

SUMMARY OF ITEMS FOR CITY COUNCIL MEETING

JUNE 19, 2012

Unfinished Business - Action Items:

- A. Second reading of an ordinance rezoning property at 7440 South International Drive (NuSun, Inc.) from the current CC (Commercial: Community Center) to I3 (Industrial: Heavy). NuSun, Inc., which operates a solar panel manufacturing business, is currently operating in a building that is legally non-conforming. The rezoning is needed for NuSun, Inc. to expand its facility.
- B. Second reading of an ordinance to amend the ordinance for the Board of Public Works and Safety which clarifies the role of the Board and adds corrected language.
- C. Second reading of an ordinance to amend the ordinance for the Department of Administration which updates city code with organizational changes and eliminates language about the former Columbus Youth Police Activities League (CYPAL) director.
- D. Second reading of an ordinance to amend the Animal Control Department which establishes a title change from Animal Control to Animal Care Services and deals with all name change specifics.
- E. Second reading of an ordinance to amend City Code by establishing a City Garage Department. Although referred to in other areas of the city code, the department has never been established by ordinance.
- F. Second reading of an ordinance to amend City Code by establishing an Engineering Department. Although referred to in other areas of the city code, the department has never been established by ordinance.

New Business – Action Items:

- A. Reading of a resolution endorsing the BCSC Safe Routes to School Plan (provided to you at the June 5 meeting) for improving the safety of students who walk or bicycle to school. This Plan was developed through a partnership between BCSC and several City departments and includes recommendations for actions to be taken both on school property and in surrounding neighborhoods. Members of BCSC and the Planning Department will be present to answer any questions.
- B. First reading of an ordinance to refund the Series 1997 Economic Development Revenue Bonds issued for the Foundation for Youth (FFY) in order to save approximately \$200,000. This

refunding will not result in any “cash out” or extending any final pay off dates. Point of clarification – the amount needed to refund the original bonds is approximately \$2 million. The Ordinance authorizes an amount up to \$2,100,000 to allow for any fluctuation in closing costs as we move forward so amendment of an ordinance at a later date delaying closing is not necessary. However, the smallest amount necessary to refund will be issued. See attached financing documents.

- C. First reading of an ordinance to amend City Code on procedure for abatement of weeds to update wording as well as to include and comply with the new continuous abatement notice provision which goes into law starting July 1, 2012.
- D. Reading of a resolution on nepotism submitted for approval pending a new ordinance which will include changes and updates to our City Personnel Policy Handbook. Adoption of such policy by resolution or ordinance is required by July 1.

Discussion Items:

- Update on fireworks ordinance changes – Kelly Benjamin
- Presentation regarding a new ordinance for Reserve Police Officers (new ordinance will be presented at the next Council meeting) – Chief Jason Maddix
- Process used by the Board of Public Works & Safety for determination of ambulance service – Mayor Kristen Brown
- Update on the allocation of assessed value between the City of Columbus and TIF Districts – Jeff Logston



Luann G. Welmer, Clerk-Treasurer

**CITY COUNCIL MEETING
CITY HALL
TUESDAY, JUNE 19, 2012
6:00 O'CLOCK P.M.**

I. Meeting Called to Order

- A. Opening Prayer
- B. Pledge of Allegiance
- C. Roll Call
- D. Acceptance of Minutes

II. Unfinished Business Requiring Council Action

- A. Second Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM "CC" (COMMERCIAL: COMMUNITY CENTER) TO "13" (INDUSTRIAL: HEAVY). (NuSun, Inc. Rezoning). Jeff Bergman.
- B. Second Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 2.50 OF THE COLUMBUS CITY CODE, BOARD OF PUBLIC WORKS AND SAFETY." Jeff Logston.
- C. Second Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 2.16 OF THE COLUMBUS CITY CODE, DEPARTMENT OF ADMINISTRATION." Jeff Logston.
- D. Second Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND THE FOLLOWING CHAPTERS OF THE COLUMBUS CITY CODE: CHAPTER 2.14 ANIMAL CONTROL MANAGER; CHAPTER 2.54, ANIMAL CONTROL COMMISSION; AND TITLE 6, ANIMALS". Kevin Konetzka and Jason Maddix.

- E. Second Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 2 OF THE COLUMBUS CITY CODE BY ADDING CHAPTER 2, ARTICLE 94, CITY GARAGE DEPARTMENT". Kelly Benjamin.
- F. Second Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 2 OF THE COLUMBUS CITY CODE BY ADDING CHAPTER 2, ARTICLE 96, ENGINEERING DEPARTMENT." Kelly Benjamin.

III. New Business Requiring Council Action

- A. Reading of a Resolution entitled "RESOLUTION NO. _____, A RESOLUTION ENDORSING THE BARTHOLOMEW CONSOLIDATED SCHOOL CORPORATION SAFE ROUTES TO SCHOOL PLAN." Jeff Bergman.
- B. First Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF COLUMBUS, INDIANA, ECONOMIC DEVELOPMENT REFUNDING REVENUE BONDS, SERIES 2012 (FOUNDATION FOR YOUTH OF BARTHOLOMEW COUNTY, INC. PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,100,000 FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 1997 (GIRLS CLUB/BOYS CLUB FOUNDATION FOR YOUTH OF COLUMBUS, INC. PROJECT), AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO." Jeff Logston.
- C. First Reading of an Ordinance entitled "ORDINANCE NO. _____, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 8.32 OF THE COLUMBUS CITY CODE, WEEDS." Kelly Benjamin.
- D. Reading of a Resolution entitled "RESOLUTION NO. _____, A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO ADOPT A "NEPOTISM" POLICY AND A "CONTRACTING WITH A UNIT" POLICY CONSISTENT WITH INDIANA CODE 36-1-20.2 AND 36-1-2, PENDING FULL IMPLEMENTATION OF THE POLICIES TO INCLUDE REVISIONS TO THE CITY EMPLOYEE HANDBOOK THROUGH AN ORDINANCE." Kelly Benjamin.

IV. Other Business

A. Standing Committee and Liaison Reports

B. Discussion Items:

- Fireworks Ordinance Changes
- Ordinance for Reserve Police Officers
- Ambulance Service
- Allocation of Assessed Value

C. A special meeting to conduct the regular business of the Council is scheduled for **Monday, July 2, 2012 at 6:00 o'clock P.M. in City Hall.**

D. Adjournment.



MEMORANDUM

TO: Columbus City Council Members

FROM: Jeff Bergman, AICP
on behalf of the Columbus Plan Commission

DATE: May 29, 2012

RE: RZ-12-02 (*Nusun, Inc. Rezoning*)

At its May 9, 2012 meeting, the Columbus Plan Commission reviewed the above referenced application and forwarded it to the City Council with a favorable recommendation by a vote of 10 in favor and 0 opposed.

Nusun, Inc. proposes to rezone their property at 7440 South International Drive from the current "CC" (Commercial: Community Center) to "I3" (Industrial: Heavy). This property is located at the southwest corner of the intersection of State Road 58 and International Drive. Prior to the 2008 adoption of a replacement zoning ordinance by the City of Columbus this property was zoned B-5, which allowed a mixture of commercial and industrial uses. The property was assigned a CC designation through the zoning replacement process. Nusun, Inc. is operating its solar panel manufacturing business from the property currently and was allowed to do so despite the CC zoning because it moved into a legal non-conforming ("grandfathered") industrial building that pre-dated the 2008 zoning change. Nusun has indicated an intent to expand its operations by adding a second building on the property. This expansion cannot occur without appropriate, industrial zoning.

No members of the public spoke at the Plan Commission hearing on this topic.

The following items of information are attached to this memo for your consideration:

1. The proposed ordinance approving the rezoning,
2. The resolution certifying the action of the Plan Commission,
3. A copy of the Plan Commission staff report, and
4. A location map.

Please feel free to contact me if you have any questions regarding this matter.

ORDINANCE NO.: _____, 2012

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY
FROM "CC" (COMMERCIAL: COMMUNITY CENTER)
TO "I3" (INDUSTRIAL: HEAVY)**

**To be known as the: Nusun, Inc. Rezoning
Plan Commission Case No.: RZ-12-02**

WHEREAS, this rezoning was requested by Nusun, Inc. and includes the consent of all owners of the subject property; and

WHEREAS, the Columbus Plan Commission did, on May 9, 2012, hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Common Council; and

WHEREAS, the Common Council of the City of Columbus, Indiana has considered the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Columbus, Indiana, as follows:

SECTION 1: Official Zoning Map

The zoning classification of the following described real estate, which is in the zoning jurisdiction of the City of Columbus, Indiana, shall be changed from "CC" (Commercial: Community Center) to "I3" (Industrial: Heavy):

Lot Numbered Seven-B (7B) in Woodside South Industrial Park, A Replat of Lot 7A, recorded October 9, 1998 as Instrument #98-16045 in Plat Book "Q", page 2C, in the Office of the Recorder of Bartholomew County, Indiana.

SECTION 2: Condition(s)

No conditions are attached to this rezoning.

SECTION 3: Repealer

All ordinances or parts thereof in conflict with this Ordinance shall be repealed to the extent of such conflict.

SECTION 4: Severability

If any provision, or the application of any provision, of this Ordinance is held unconstitutional or invalid the remainder of the Ordinance, or the application of such provision to other circumstances, shall be unaffected.

SECTION 5: Effective Date

This Ordinance shall be effective upon and after the date and time of its adoption, as provided in Indiana law.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m., by a vote of _____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk-Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of _____, 2012 at _____ o'clock _____.m.

Kristen S. Brown
Mayor of the City of Columbus, Indiana

RESOLUTION: RZ-12-02

of the City of Columbus, Indiana Plan Commission

regarding
Case number RZ-12-02
(Nusun, Inc. Rezoning),
a proposal to rezone +/-3.68 acres
from CC (Commercial: Community Center) to I3 (Industrial: Heavy)

WHEREAS, the Plan Commission has received the application referenced above from Nusun, Inc.; and

WHEREAS, the applicant(s) represent 100% of the property owners involved in the rezoning request, which meets the requirements of IC 36-7-4-602(c); and

WHEREAS, the Plan Commission did, on May 9, 2012, hold a public hearing consistent with the applicable requirements of Indiana law, the Columbus & Bartholomew County Zoning Ordinance, and the Plan Commission Rules of Procedure; and

WHEREAS, the Plan Commission did pay reasonable regard to the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance; and

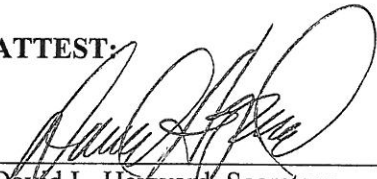
WHEREAS, the Plan Commission recognizes that its action on this matter represents a recommendation to the Common Council of the City of Columbus, Indiana, which will be responsible for final action on the request.

NOW THEREFORE BE IT RESOLVED, by the Plan Commission of the City of Columbus, Indiana, as follows:

- 1) The rezoning of the property subject to the application (approximately 3.68 acres located at the southwest corner of State Road 58 and International Drive) is forwarded to the Common Council with a favorable recommendation.
- 2) This resolution shall serve as the certification required for such ordinance amendments (rezonings) by IC 36-7-4-605.

ADOPTED BY THE COLUMBUS, INDIANA PLAN COMMISSION THIS 9th DAY OF, MAY 2012 BY A VOTE OF 10 IN FAVOR AND 0 OPPOSED.

ATTEST:



David L. Hayward, Secretary

Roger Lang, President



STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION (May 9, 2012 Meeting)

Docket No. / Project Title: RZ-12-02 (Nusun, Inc.)
Staff: Derek Naber

Applicant: Nusun Solar, Inc.
Property Size: 3.68 Acres
Current Zoning: CC (Commercial: Community Center)
Proposed Zoning: I-3 (Industrial: Heavy)
Location: 7440 South International Drive, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed rezoning is for the purpose of allowing future expansion(s) for general industrial production.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application: Is an industrial zoning district appropriate at this location?

Preliminary Staff Recommendation:

Favorable Recommendation to City Council

Plan Commission Options:

In reviewing a request for rezoning the Plan Commission may (1) forward a favorable recommendation to the City Council, (2) forward an unfavorable recommendation to the City Council, (3) forward the application to City Council with no recommendation, or (4) continue the review to the next Plan Commission meeting. The Plan Commission may attach conditions to any recommendation which are to become written commitments of the applicant. The City Council makes all final decisions regarding rezoning applications.

Decision Criteria:

Indiana law and the Columbus Zoning Ordinance require that the Plan Commission and City Council pay reasonable regard to the following when considering a rezoning:

The Comprehensive Plan.

Preliminary Staff Comments: The Comprehensive Plan recommends that commercial development should be located along highway corridors. The Comprehensive Plan also encourages industrial development in the Woodside / Walesboro area which has adequate resources and is compatible to its surroundings. Further, the Comprehensive Plan recommends that industrial uses should be clustered in the same area.

The current conditions and the character of current structures and uses in each district.

Preliminary Staff Comments: The subject property currently features an existing industrial structure suitable for general industrial production. There is also a screened outdoor storage area and loading zone which are appropriate in industrial areas and zoning districts.

The most desirable use for which the land in each district is adapted.

Preliminary Staff Comments: The subject property is located at the entrance of the Woodside South Industrial Park which is an area with other industrial developed properties. The property is also located along SR 58, where other commercial properties in the Woodside / Walesboro area are located.

The conservation of property values throughout the jurisdiction of the City of Columbus.

Preliminary Staff Comments: The continued expansion of the Woodside South Industrial Park would further enhance and add to the surrounding industrial area. The property however is adjacent to residential homes to the west where no buffer would be required because of the agriculture zoning of these properties and the separation provided by County Road 300 West.

Responsible growth and development.

Preliminary Staff Comments: All new expansions and additions on the subject property would occur where there is adequate vehicular access and utilities. The existing property is located within the current city limits and is currently served by local water and wastewater infrastructure.

Current Property Information:	
Land Use:	General Industrial Production
Site Features:	The site features an industrial building, parking lot, outdoor storage area, and landscaping.
Flood Hazards:	No flood hazards exist at this location.
Special Circumstances: (Airport Hazard Area, Wellfield Protection Area, etc.)	No special circumstances exist at this location.
Vehicle Access:	The property gains access from International Drive (Local, Industrial, Suburban).

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	I-1 (Industrial: Light)	Farmland
South:	I-3 (Industrial: Heavy)	General Industrial Production
East:	CC (Commercial: Community Center)	Vacant Land (Undeveloped)
West:	AP (Agriculture: Preferred)	Single-Family Residential

Zoning District Summary (Existing / Proposed):		
	Existing Zoning: CC – Commercial: Community Center	Proposed Zoning: I-3 – Industrial: Heavy
Zoning District Intent:	<p>The CC zoning district is intended to establish appropriate locations for a variety of businesses providing a variety of goods and services to (1) community-wide consumers and (2) those who travel through or visit the area. This zoning district is not intended for use along traffic corridors, but should instead be applied at significant intersections along major transportation routes. This zoning district should be applied only to areas with adequate infrastructure and road access to accommodate moderately high traffic volumes.</p>	<p>The I-3 zoning district is intended to provide locations for industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of high intensity industrial uses in locations that minimize land use conflicts and provide the necessary supporting infrastructure.</p>
Permitted Uses:	<p>Communications / Utilities Uses:</p> <ul style="list-style-type: none"> • Communication Service Exchange • Utility Substation • Water Tower <p>Public / Semi-Public Uses:</p> <ul style="list-style-type: none"> • Clinic • Community Center • Day-Care Center (Adult or Child) • Funeral Home • Government Office • Police, Fire or Rescue Station • Post Office • Trade or Business School • Worship Facility <p>Park Uses:</p> <ul style="list-style-type: none"> • Nature Preserve / Conservation Area • Park / Playground <p>Commercial Uses:</p> <ul style="list-style-type: none"> • Auto-Oriented Uses (Small Scale) • Auto-Oriented Uses (Medium Scale) • Auto-Oriented Uses (Large Scale) 	<p>Agriculture Uses:</p> <ul style="list-style-type: none"> • Farm (General) <p>Communications / Utilities Uses:</p> <ul style="list-style-type: none"> • Communication Service Exchange • Sewage Treatment Plant • Utility Substation • Water Tower <p>Public / Semi-Public Uses:</p> <ul style="list-style-type: none"> • Parking Lot / Garage (as a primary use) • Police, Fire , or Rescue Station <p>Park Uses:</p> <ul style="list-style-type: none"> • Nature Preserve / Conservation Area <p>Commercial Uses:</p> <ul style="list-style-type: none"> • Conference Center <p>Industrial Uses:</p> <ul style="list-style-type: none"> • Agriculture Products Processing • Agri-Industrial Facility • Concrete / Asphalt Production Facility • Contractor's Office / Workshop • Dry Cleaners (Commercial) • Food & Beverage Production • General Industrial Production

	Commercial Uses (cont.): <ul style="list-style-type: none"> • Auto Rental (included Truck, RV, etc.) • Builder's Supply Store • Equipment Rental • Health Spa • Hotel / Motel • Instructional Center • Liquor Store • Office Uses • Personal Service Uses • Recreation Uses (Small Scale) • Recreation Uses (Medium Scale) • Restaurant • Retail Uses (Small Scale) • Retail Uses (Medium Scale) • Retail Uses (Large Scale) 	Industrial Uses (cont.): <ul style="list-style-type: none"> • Light Industrial Assembly & Distribution • Light Industrial Processing & Distribution • Research & Development Facility • Truck Freight Terminal • Warehouse & Distribution Facility
Water and Sewer Service:	Required	Required
Lot and/or Density Requirements:	Minimum Lot Area: 10,000 sq. ft. Maximum Lot Area: 10 Acres Minimum Lot Width: 50 feet Minimum Lot Frontage: 50 feet Maximum Lot Coverage: 65%	Minimum Lot Area: 1 Acre Minimum Lot Width: 100 feet Minimum Lot Frontage: 50 feet Maximum Lot Coverage: 75%

<p>Setbacks Required:</p> <p>Front setbacks are determined by the Thoroughfare Plan Classification of the adjacent street and are the same regardless of zoning.</p>	<p>Side Yard Setback: Primary Structure: 10 feet Accessory Structure: 10 feet</p> <p>Rear Yard Setback: Primary Structure: 10 feet Accessory Structure: 10 feet</p> <p>Front Yard Setback: Arterial Road: 50 feet Arterial Street: 10 feet* Collector Road: 35 feet Collector Street: 10 feet* Local Road: 25 feet Local Street: 10 feet*</p> <p>*25 feet for any auto service bay, auto fuel pump canopy, or other similar vehicle access points to structures.</p>	<p>Side Yard Setback: Primary Structure: 20 feet Accessory Structure: 20 feet</p> <p>Rear Yard Setback: Primary Structure: 20 feet Accessory Structure: 20 feet</p> <p>Front Yard Setback: Arterial Road: 50 feet Arterial Street: 50 feet Collector Road: 35 feet Collector Street: 35 feet Local Road: 25 feet Local Street: 25 feet</p>
<p>Height Restrictions:</p>	<p>Primary Structure: 40 feet</p> <p>Accessory Structure: 25 feet</p>	<p>Primary Structure: 60 feet</p> <p>Accessory Structure: 40 feet</p>
<p>Floor Area Requirements:</p>	<p>Not Applicable</p>	<p>Not Applicable</p>
<p>Signs:</p>	<p>Wall Signs: 3 wall signs per public street frontage with a maximum square footage of 15% of the front walls or 350 square feet, whichever is less.</p> <p>Freestanding Signs: 1 freestanding sign per public street frontage with a maximum size of 100 square feet and a maximum height of 20 feet.</p>	<p>Wall Signs: 2 wall signs per public street frontage with a maximum square footage of 15% of the front walls or 350 square feet, whichever is less.</p> <p>Freestanding Signs: 1 freestanding sign per public street frontage with a maximum size of 75 square feet and a maximum height of 10 feet.</p>

Interdepartmental Review:	
City Engineering:	<p>The site is located at 7440 S. International Drive, the southwest corner of SR 58 and International Drive; and is Lot 7B in Woodside South Subdivision. SR 58 is an arterial street and International Drive is a local street. Existing access to the site does comply with the current zoning ordinance.</p> <p>The current use on the site appears to be industrial in nature. Actual traffic generating potential for uses in the CC and I-3 districts can vary widely, depending on the size and intensity of the use. A large CC use, retail and auto oriented businesses, can potentially generate large numbers of trips per day to and from the site. A small I-3 use, similar to the current use on the site, typically generates a lower number of trips per day.</p> <p>The proposed zoning change will not significantly impact access to this site or traffic volume on adjacent streets.</p>
Fire Department	No issues with the rezoning.
City Utilities	No comments received.
Parks Department	No comments received.
MPO	<p>I have no issues with the rezoning of this area to industrial.</p> <p>There have been requests that this industrial area be served by transit, and we will be considering that in our future study. For transit efficiency, a stop in a central location works best with riders dispersing on foot. However, the area's infrastructure is not very accommodating for pedestrians. Providing sidewalks and/or connector paths would be helpful. Business expansion can trigger sidewalk construction via ordinance or agreement.</p> <p>A successful pedestrian network would encourage transit success, reduce parking needs, provide employee travel options, among other community benefits.</p>

History of this Location:

The relevant history of this property includes the following:

1. In 2000, the property was developed for an industrial manufacturing facility for TST products (C/ZC-11-00-02). The new construction included a 12,500 square foot building with a new parking lot, outdoor storage area, and landscaping.
2. Prior to 2008, the property was zoned B-5 which permitted a variety of commercial and industrial uses. When the 2008 Zoning Ordinance revisions occurred, the B-5 zoning district was replaced with the CC zoning district which did not permit any industrial uses.
3. In 2011, Nusun Solar, Inc., a solar panel manufacturer, relocated to the existing facility. Since the previous use at this location was general industrial production, no further approval was needed. Nusun Solar, Inc. was approved for a new wall sign (C/ZC-11-112-July). The approval included a commitment to replace required missing landscaping by June 30, 2012 and the removal of a trailer on existing parking spaces. The missing landscaping has not been replaced at this time.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Industrial.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **GOAL E-2:** Promote the use of designated highway corridors as areas for commercial development.
2. **POLICY E-2-1:** Encourage development of highway corridors in a manner that is visually appealing.
3. **POLICY J-2-3:** Encourage industrial development to be integrated with its surroundings, providing smooth transitions between differing land uses.
4. **GOAL J-3:** Provide for continued industrial growth while protecting the agricultural sector of the economy by retaining expanses of productive agricultural land.
5. **POLICY J-3-1:** Limit the growth of industrial activity to the areas suited for this use, minimizing the impact of this type of development on agricultural businesses.
6. **POLICY J-3-2:** Promote infill development in existing industrial areas.
7. **GOAL J-4:** Promote continued economic development in the Woodside / Walesboro area to provide jobs which will improve the standard of living and provide upward mobility for local residents.
8. **POLICY J-4-1:** Encourage new industrial development to be similar to that experienced in the Woodside / Walesboro area in the past.
9. **POLICY J-4-2:** Encourage the growth in the Woodside / Walesboro area to take place in an orderly manner. Where possible, this growth should be contiguous or in close proximity to the existing development in order to facilitate provision of infrastructure and services.
10. **POLICY J-8-2:** Encourage economic growth to take place in areas where appropriate infrastructure and services are available or can be provided at a reasonable cost.
11. **POLICY J-9-2:** Encourage similar uses to locate in clusters, to facilitate provision of appropriate infrastructure and services.
12. **POLICY J-10-3:** Promote the growth of local companies.

This property is located in the Woodside / Walesboro character area. The following Planning Principle(s) apply to this application: New nonresidential development should be in industrial parks or commercial centers to complement the existing development.

Planning Consideration(s):

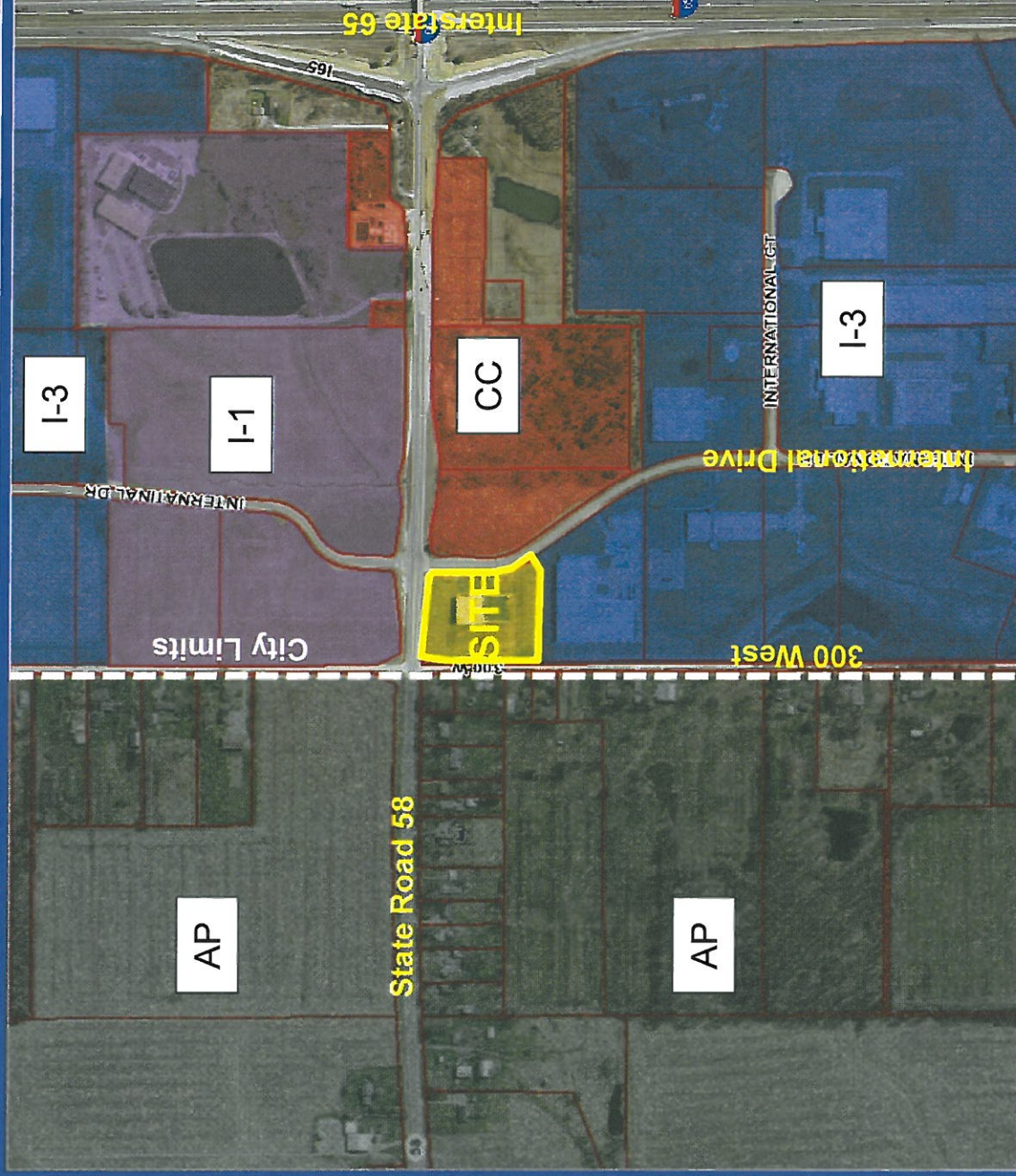
The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. Nusun Solar, Inc. is proposing to rezone the property at 7440 South International Drive in the City of Columbus. The rezoning from the current CC zoning district to the I-3 zoning district is driven by the desire to expand their industrial use. The property was developed in 2000 for TST Products, an industrial manufacturing business, under the B-5 (Highway Business) zoning district. The B-5 zoning district allowed a variety of commercial and industrial uses. In 2008, when the new Zoning Ordinance revisions were adopted, the B-5 zoning district was replaced with the CC zoning district which did not permit any industrial uses. In 2010, Nusun Solar, Inc., a general industrial production use, moved to the subject property as a grandfathered industrial use.
2. The subject property currently features a 12,500 square foot industrial facility with a parking lot, and an outdoor storage area / loading zone. The applicant is intending to add a new 4,608 square foot building in addition to the existing building on-site. The proposed structure would provide necessary space for this industrial business. No Zoning Compliance Certificate for the approval of the expansion has been received at this time.
3. The subject property is located in the Woodside / Walesboro industrial area which is located around the interchange of SR 58 and Interstate 65 (I-65). The subject property is located at the intersection of International Drive and State Road 58 (SR 58) at the entrance to the Woodside South Industrial Park (Southwest quarter of the interchange). In the Woodside South Industrial Park area, majority of the property is zoned I-3.
4. There are single-family homes west of the subject property across from County Road 300 West which are zoned AP and according to Zoning Ordinance Section 8.2 (Table 8.3), no buffer is required as a result of the separation of the properties by a road and the zoning of the residential properties. The residential properties lie just outside of the city limits for the City of Columbus, but if the residential

properties were zoned residential and there was no road separating the properties, a Type A buffer yard would be required if the subject property were zoned commercial or industrial. Currently, other industrial properties to the south do not provide any official buffer, however there are some wooded areas which create a separation between the industrial and residential uses.

5. In 1989 (RZ-89-11), the City of Columbus Plan Commission approved of the rezoning of the Woodside South Industrial Park from AG (Agricultural District) to I-3 (Heavy Industrial District). The rezoning was approved with no additional buffer conditions, however the Zoning Ordinance in 1989, required a transitional landscaping buffer and setback area of 15 feet along all front property lines. In 2007, the City of Columbus Plan Commission approved of the rezoning of the Woodside Northwest Industrial Park from AG (Agricultural District) to I-3 (Heavy Industrial District). The rezoning was approved with the condition that a Type A buffer yard be provided on industrial properties along the County Road 300 West frontage.
6. All properties along SR 58 in the southwest quarter of the SR 58 / I-65 interchange are in the CC zoning district. All the properties with the exception of the subject property are all undeveloped. The properties which are zoned commercial along SR 58 were zoned commercial so that the development along this corridor would be complementary highway businesses such as gas stations or retail because of access to the SR 58 corridor and visibility along this thoroughfare. The commercial properties also provide an opportunity for complementary services for the industrial uses and employment centers in the area including services such as restaurants, dry cleaners, etc.

Site Location & Surrounding Zoning



ORDINANCE NO. _____, 2012

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,
TO AMEND CHAPTER 2.50 OF THE COLUMBUS CITY CODE, BOARD OF PUBLIC WORKS AND SAFETY**

WHEREAS, Indiana Code 36-1-3 et. seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, it is the desire of the Common Council to accurately reflect the current City administrative structure in the Columbus City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 2, Article 50 of the Columbus City Code, is hereby amended to read as follows:

**Chapter 2.50
BOARD OF PUBLIC WORKS AND SAFETY**

2.50.010 Established--Powers and duties--Composition.

There is established a board of public works and safety within the executive branch.

A. Such board shall be the chief administrative body of the city and shall have the power and responsibilities granted by applicable state law, including control of the day-to-day operations of the following executive departments, which are established:

1. Police department which shall include Animal Care Services;
2. Fire department;
3. Engineering department which shall include Streets (traffic and highway); and
4. City Garage.

B. The members of the Board of Public Works and Safety shall be the Mayor and two voters of the city who shall be chosen by the Mayor in accordance with Indiana Code, 36-4-9-8, and who shall serve at the Mayor's pleasure.

C. The Mayor by delegation from the Board of Public Works and Safety shall have control of the day-to-day operations of the above departments. The Board of Public Works and Safety is delegated all authority for the approval of claims.

D. The chiefs of the police and fire departments and the head of the engineering and city garage departments shall be appointed by the Mayor and serve at the Mayor's pleasure pursuant to Indiana Code 36-4-9-4.

E. The Board of Public Works and Safety, by delegation of the Mayor pursuant to Columbus Municipal Code Section 13.24.020, shall be responsible for the day to day operations of the Columbus mass transit system as a public works of the City. The Board of Public Works and Safety shall also be responsible for designation of the transit coordinator to run the operations of the mass transit system.

Section II. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the _____ day of June, 2012, by a vote of _____ ayes and _____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m.

Luann Welmer
Clerk-Treasurer

Approved and signed by me this _____ day of _____, 2012 at _____ o'clock _____.m.

Kristen Brown

Mayor of the City of Columbus, Indiana

ORDINANCE NO. _____, 2012

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,
TO AMEND CHAPTER 2.16 OF THE COLUMBUS CITY CODE, DEPARTMENT OF ADMINISTRATION**

WHEREAS, Indiana Code 36-1-3 et. seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, it is the desire of the Common Council to accurately reflect the current City administrative structure in the Columbus City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 2, Article 16 of the Columbus City Code, is hereby amended to read as follows:

**Chapter 2.16
DEPARTMENT OF OPERATIONS AND FINANCE**

2.16.005 Director position established.

2.16.010 Department authority.

2.16.020 City services--Department responsibility.

2.16.005 Director's positions established.

The position of director of operations and finance is established and such duties and obligations shall be as designated by the mayor of the city as said mayor deems fit and proper.

2.16.010 Administration authority.

The department of operations and finance shall be administered by a director of operations and finance as appointed by and deemed to be fit and proper by the mayor of the city.

2.16.020 City services--Department responsibility.

A. The department of operations and finance shall be responsible for the following city services:

1. Personnel and purchasing departments;
2. Insurance and loss control departments;
3. Information services;
4. Maintenance of City Hall facilities and grounds;
5. Preparation of mayor's budget.

B. Any department head who provides the services outlined in subsection (A) of this section shall report to the director of operations and finance. The department of operations and finance shall provide job descriptions, a copy of which shall remain on file with the department of personnel for each of the positions within the department.

Section II. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the _____ day of June, 2012, by a vote of _____ ayes and _____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m.

Luann Welmer
Clerk-Treasurer

Approved and signed by me this ____ day of ____, 2012 at ____ o'clock __.m.

Kristen Brown

Mayor of the City of Columbus, Indiana

ORDINANCE NO. _____, 2012

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,
TO AMEND THE FOLLOWING CHAPTERS OF THE COLUMBUS CITY CODE:

CHAPTER 2.14, ANIMAL CONTROL MANAGER;
CHAPTER 2.54, ANIMAL CONTROL COMMISSION;
AND TITLE 6, ANIMALS

WHEREAS, Indiana Code 36-1-3 *et. seq.* confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, it is the desire of the City of Columbus Animal Control to amend the current City Animal Control Code to better reflect the responsibilities, services and actions of the Animal Control Department in their care of animals; and

WHEREAS, it is the desire of the Common Council to accurately reflect the work of Animal Control by amending the Columbus City Code to reflect within the substance of the written code, the care with which services are given to animals in the City of Columbus.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 2, Article 14 of the Columbus City Code, is hereby amended to read as follows:

Chapter 2.14
ANIMAL CARE SERVICES MANAGER

- | | |
|----------|---|
| 2.14.010 | Manager. |
| 2.14.020 | Duties, jurisdiction and powers. |
| 2.14.030 | Compensation. |
| 2.14.040 | Penalty for interference with Animal Care Services personnel. |

2.14.010 Manager.

The position of Animal Care Services Manager shall be employed by the City of Columbus, under the supervision of the chief of police with the advice of the Animal Care Services Commission. The Animal Care Services Manager shall be authorized to employ staff and any other persons as may be necessary to carry out the purposes of this chapter with the advice and consent of the chief of police.

(Ord. 08-17, § 1(part), 2008; Ord. 91-6, 1991; prior code § 4-6)

2.14.020 Duties, jurisdiction and powers.

The Animal Care Services Manager and staff shall be sworn to uphold, carry out and supervise the enforcement of this chapter within the city, unless otherwise provided. The Animal Care Services Manager and staff shall be vested with all the powers ordinary and necessary under the law to enforce the provisions of this chapter. These duties and powers shall specifically include, but not be limited to the following:

- A. To educate the public concerning humane ethics, consequences of pet overpopulation and their responsibilities as pet owners;
- B. To maintain the physical facility known as the Columbus Animal Care Services Center which shall be operated in a humane manner in accordance with the standards set forth in this chapter and established rules and regulations;
- C. To make an annual report to the common council concerning the animal care services program within the city;
- D. To prepare and submit to the common council for approval an annual budget of funds adequate to carry out the purposes of this chapter;
- E. The power to apprehend and impound any animal that appears to be stray or at large;
- F. The power to apprehend and impound any animal that is on the owner's property without being under the owner's personal physical restraint or posing an immediate physical danger to the community. Such impoundment must be preceded by written certification by a citizen witness, or by an officer of Animal Care Services or by the police department. However, no animal shall be apprehended and impounded if the owner is available and is restraining the animal.
- G. The power to apprehend and impound any animal when the Animal Care Services Manager or staff have probable cause to believe that the animal has been treated cruelly, inhumanely, neglected or used by the owner/agent in a fighting contest;
- H. The power to issue official warning or a notice of ordinance violation for violations of this chapter;
- I. The power to enter private real property in pursuit of an animal to enforce this chapter. In performing their duties, the Animal Care Services Manager and staff shall be specifically prohibited from the following: entering an inhabited or locked dwelling unit without the dwelling unit owner's permission or without a warrant authorizing the entry except when apprehending and impounding an animal pursuant to subsection G of this section; carrying firearms or making arrests of human beings.

(Ord. 08-17, § 1(part), 2008; Prior code § 4-7)

2.14.030 Compensation.

The salaries and wages of the Animal Care Services Manager and staff shall be fixed by the mayor and approved by the common council.

(Ord. 08-17, § 1(part), 2008; Prior code §4-9)

2.14.040 Penalty for interference with animal care services personnel.

Whoever forcibly assaults, resists, opposes, obstructs, prevents, impedes or interferes with any Animal Care Services personnel while that person is engaged in the execution of any duties required of Animal Care Services under this chapter, shall be subject to a fine of one hundred dollars (\$100.00) for the first offense, with the fines increasing by increments of one hundred dollars (\$100.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00).

(Ord. 08-17, § 1(part), 2008; Prior code § 4-8)

Section II. Chapter 2, Article 54 of the Columbus City Code, is hereby amended to read as follows:

Chapter 2.54

ANIMAL CARE SERVICES COMMISSION

- | | |
|----------|-------------------------------|
| 2.54.010 | Established--Duties. |
| 2.54.020 | Membership. |
| 2.54.030 | Terms and removal of members. |
| 2.54.040 | Meetings. |

2.54.010 Established--Duties.

An Animal Care Services Commission is established which shall have the following powers, duties, authority and responsibilities:

- A. Shall report to or be responsible to the board of public works and safety;
- B. To formulate policies, principles, standards and regulations for the care, control and humane treatment of all animals in the city;
- C. To supervise the enforcement of the terms of this chapter and to make recommendations to the common council as to ordinances necessary for the care and treatment of all animals in the city;

D. To review the decisions and actions of Animal Care Services and staff in any matter related to the enforcement of this chapter. Upon the written request for a hearing concerning the enforcement of this chapter, the Commission shall meet timely to hear the complaint. All complaints must be filed in writing.

E. The power to declare animals dangerous.

(Ord. 08-17, § 1(part), 2008; Prior code § 4-2)

2.54.020 Membership.

The Animal Care Services Commission shall be composed of six members who shall be appointed by the mayor.

- A. One shall be a licensed veterinarian.
- B. One shall be selected from a member of the common council.
- C. Two shall be selected from a chartered animal care or control organization.
- D. Two shall be selected from the citizens of Columbus.

(Ord. 08-17, § 1(part), 2008; Prior code § 4-3)

2.54.030 Terms and removal of members.

A. The members of the Commission shall serve at the discretion of the mayor and each member shall serve until a qualified successor is duly appointed. All appointments shall be made for a four-year term.

B. Terms are to be staggered such that no more than two members are to be replaced at one year with the exception of the members selected from the common council whose term shall be concurrent with his/her elected term.

(Ord. 08-17, § 1(part), 2008; Prior code § 4-4)

2.54.040 Meetings.

The Commission shall hold an annual meeting during the month of September of each year and at such meeting shall elect its own chairperson who shall hold office until the next annual meeting. Meetings of the Commission shall be held bimonthly. A quorum shall consist of three members of the Commission present at the meeting. Special meetings may be called by the mayor, the chairperson or by any three members of the Commission or by the Animal Care Services Manager requesting such meeting in writing to the chairperson. Upon receipt of such a request, the chairperson shall call such a special meeting to be held within ten days.

(Ord. 08-17, § 1(part), 2008; Prior code § 4-5)

Section III. Title 6 - Animals, Chapter 6, Article 04 of the Columbus City Code, is hereby amended to read as follows:

Chapter 6.04
DEFINITIONS

6.04.010 Definitions.

6.04.010 Definitions.

As used in this title, the following terms mean, unless otherwise designated:

“Abandonment” means to deposit, leave, drop off or otherwise dispose of any live domestic animal on any public or private property.

“Agent” means person(s) eighteen years or older authorized by an owner to act on the owner's behalf.

“Altered” means any animal that has had an ovariohysterectomy (spayed) or orchiectomy (neutered) by a licensed veterinarian or has been certified by a licensed veterinarian that the animal is incapable of producing offspring.

“Animal” means any live nonhuman vertebrate creature, domestic or wild.

“Animal Care Services Center” means the facility operated by the City of Columbus or its authorized agents for the purpose of impounding or caring for animals held under the authority of this title or state law.

“Animal Care Services” means the City of Columbus Animal Care Services Department.

“Animal fighting contest” means a conflict between two or more animals. The term does not include a conflict that is unorganized or accidental.

“Animal fighting paraphernalia” means equipment used to train or condition animals for participation in an animal fighting contest or used to stage an animal fighting contest.

“Animal shelter” means any facility operated by a humane society or other municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under their jurisdiction or state law.

“At large” means any animal that is not under restraint or properly confined by the owner.

“Auctions” means any place or facility where animals are regularly bought, sold, or traded, except those facilities otherwise defined in this title.

“Confinement” means the physical securing of an animal by leash, lead or secure enclosure.

“Commercial animal establishment” means any auction, circus, performing animal exhibition, pet shop, rescue group, riding school, stable, or zoological park.

“Dangerous animal” means any animal that by its behavior or training constitutes an immediate or serious physical threat to human beings or other domestic animals. Factors to be considered by the Animal Care Services Commission shall include the following:

1. Circumstances that resulted in any injury or death to persons or animals, or serious destruction of property.
2. Whether the animal was acting to defend itself, its offspring, persons, territory or property or was in some fashion provoked.
3. The number, frequency and seriousness of past events causing damage to persons, property or other animals.
4. The ability of the owner to control the animal, whether the animal has been previously abused and whether the animal's behavior appears to be unpredictable.
5. The potential for future damage by the animal due to the size, muscularity and bite strength of the animal.
6. Lesser weight shall be given toward a finding of dangerousness if any animals killed or injured are traditionally animals hunted for sport or are considered vermin.
7. Greater weight toward a finding of dangerousness shall be given to animals which are dangerous to persons as opposed to other animals.

“Domestic animal” means any animal that is a member of one of the following species:

Dog (*Canis Familiaris*)

Cat (*felis cattus* or *Felis domesticus*)

Cattle (*Bos domesticus* or *Bos taurus* or *Bos indicus*)

Horse (*Equus coballus*)

Donkey (*Equus asinus*)

Pig (*Sus scrofa*)

Sheep (*Ovis aires*)

Goat (*Capra hicus*)

Rabbit (*Oryctolagus cuniculus*)

Mouse (*Mus musculus*)

Rat (*Rattus rattus*)

Guinea pig (*Cavia procavia*)

Chinchilla (*Chinchilla laniger*)

Hamster (*Mesocricetus auratus*)

Gerbil (*Gerbillus gerbillus*)

Mink (*Mustela vison*)

Ferret (*Mustela putorius furo*)

Chicken

Turkey

Goose

Duck

Small cage birds

“Exposed to rabies” means any human or nonhuman warm-blooded mammal that has been bitten or in contact with any other animal known or reasonably suspected to have been infected with rabies.

“Habitual offender” means any person, as determined by a court, having competent jurisdiction, who violates animal care, neglect, welfare, cruel treatment, restraint, confinement, dangerous or dangerous animal sections of the Columbus Municipal code or related offenses in other jurisdictions on at least three separate occasions, including, but not limited to, criminal convictions or civil findings in any other municipal, county or state jurisdiction.

“Harboring” means the actions of any person that permit any animal habitually to remain or lodge or to be fed within his home, store, enclosure, yard or place of business or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three consecutive days.

“Hunting” means the activity of pursuing animals, as defined by the code of the city while armed with a weapon; provided, however, hunting shall not include the sport of falconry, frog gigging or the sport of fishing.

"Keepers" means veterinarians and operators of kennels, pet shops, boarding kennels, and stables temporarily keeping animals owned by or held for sale to other persons. "Kennel" means as defined by the city zoning ordinance.

"Kennel operator" means a person who owns and/or operates a kennel.

"Owner" means any person age eighteen years or older owning or harboring one or more animals.

"Person" means any individual, firm, association, joint stock company, syndicate, partnership or corporation.

"Pet" means any domestic animal, other than cattle, horse, donkey, pig, sheep, goat, chinchilla or mink, kept for pleasure rather than for utility.

"Pet shop" means any business enterprise except a kennel that buys and sells any species of animal.

"Public nuisance" means any animal or animals that:

1. Chase, charge, impede or threaten passersby or passing vehicles;
2. Attack humans or other animals;
3. Damage public or private property;
4. Bark, whine or howl in an excessive, untimely or continuous fashion for more than a twenty-minute period of time which annoys or disturbs persons of normal sensitivities.

"Rescue group" means any animal rescue group granted IRC 501(c)(3) not-for-profit tax status whose purpose is to promote animal welfare through community awareness, responsible pet adoptions, and spaying and neutering of pets.

"Research laboratory" means any animal research facility registered with the United States Department of Agriculture under the Federal Laboratory Animal Welfare Act.

"Restraint" means under direct control of the owner or limited or restricted within the bounds of the real property of the animal's owner or agent.

"Riding school or stable" means any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule or burrow.

"Secure enclosure" means a physical structure, enclosed building, fence, or pen that is of adequate size and in good repair, where any gate or access is securely latched or bolted, that prevents escape or unrestricted contact with humans or other domestic animals. It does not include underground fencing, electronically controlled collars, tethers, leashes or chains, unless they are incorporated with the approved enclosure.

“Stray” means any animal that is not under restraint and/or upon reasonable inquiry does not appear to have an owner.

“Trapping” means to use any device that springs shut suddenly, a pitfall, a snare or other similar device for the purpose of catching and holding animals.

“Unaltered” means any animal that has not had an ovariohysterectomy (not spayed) or orchiectomy (not neutered) by a licensed veterinarian or has not been certified by a licensed veterinarian that the animal is incapable of producing offspring.

“Veterinarian” means any person licensed to practice veterinary medicine in the state of Indiana.

“Weapon” means, but shall not be limited to mean, any firearm, any archery equipment, any device used to discharge a projectile either by means of explosion, by force or mechanical means, any sling shot or slings or any device that can hurl a projectile or can be hurled or thrown.

“Wild animals (Class 1)” means any of the following: fish, nonpoisonous snake, nonpoisonous reptile, nonpoisonous amphibian, degu, sugar glider, hedgehog, and/or birds not normally kept as cage birds.

“Wild animals (Class 2)” means any animal or hybrid of any animal that is not a domestic animal or wild animal (Class 1), as defined in this chapter, or any mammal the United States government or the state of Indiana may list or publish as endangered species, or poisonous snake, poisonous reptile or poisonous amphibian.

(Ord. 08-17 § 1 (part), 2008; Ord. 98-34 § 1, 1998; prior code § 4-1)

Section IV. Title 6 - Animals, Chapter 6, Article 07 of the Columbus City Code, is hereby amended to read as follows:

Chapter 6.07 FINES, FEES AND PENALTIES

Sections:

- | | |
|----------|---|
| 6.07.010 | Disposition of fines, fees and penalties. |
| 6.07.020 | Payment of violations. |
| 6.07.025 | Violations prior to enactment of new or revised ordinances. |
| 6.07.030 | Habitual offenders. |
| 6.07.040 | Violations-Penalties. |

6.07.010 Disposition of fines, fees and penalties.

All fines, fees, and penalties collected will be deposited into the Animal Care Services Adoption / Medical Fund. Monies from this fund will be used as directed by the Animal Care Services Commission for purposes of providing medical care, spay and neutering assistance, preventive health care, or for other services the Animal Care Services Commission deems appropriate and compatible with its policies.

(Ord. 08-17 § 1 (part), 2008)

6.07.020 Payment of violations.

Payment of violation notices shall be made at the Animal Care Services Center or at the office of the Columbus city clerk-treasurer within seventy-two hours from date of issuance.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-53)

6.07.025 Violations prior to enactment of new or revised ordinances.

For purposes of determining fines, fees, and penalties for any subsequent violations, violations prior to the enactment of new or revised ordinances shall apply.

(Ord. 08-17 § 1 (part), 2008)

6.07.030 Habitual offenders.

A Court of competent jurisdiction may declare a person a habitual offender and that person or owner shall not own, keep or harbor any animal within the city limits of Columbus, Indiana.

(Ord. 08-17 § 1 (part), 2008)

6.07.040 Violations-Penalties.

Any person or owner found to be a habitual offender is subject to having their animal(s) immediately confiscated by Animal Care Services and subject to a fine of two hundred and fifty dollars for each offense. The Court of jurisdiction will be notified of this violation.

(Ord. 08-17 § 1 (part), 2008)

Section V. Title 6 - Animals, Chapter 6, Article 08 of the Columbus City Code, is hereby amended to read as follows:

Chapter 6.08
ANIMAL CONTROL REGULATIONS GENERALLY

6.08.010	Restraint Required.
6.08.015	Zones of enforcement on city-owned property.
6.08.020	Unaltered animals not properly confined or restrained.
6.08.030	Dangerous animals.
6.08.040	Confinement and restraint violations--Penalties.
6.08.050	Period of impoundment.
6.08.060	Jurisdiction of Animal Care Services for impoundment.
6.08.070	Notice of impoundment and reclaiming fees.
6.08.080	Notice of ordinance violation.
6.08.090	Public nuisance prohibited--Violations and penalties.
6.08.100	General animal care.
6.08.110	Cruel treatment unlawful.
6.08.120	Animals as prizes.
6.08.130	Poisoning.
6.08.140	Motor vehicle accidents involving animals.
6.08.150	Animals in motor vehicles or kept in confined spaces.
6.08.160	Use of device to induce performance.
6.08.170	Abandonment.
6.08.180	Animal fighting contests.
6.08.185	Animal care violations--Penalties.
6.08.190	Keeping wild animals (Class 1).
6.08.200	Wild animal care.
6.08.210	Wild animals--Inspection.
6.08.220	Wild animals prohibited when.
6.08.230	Wild animal violations--Penalties.
6.08.240	Animals biting persons.
6.08.245	Biting animals violation -- Reporting and quarantining -- Penalty.
6.08.250	Biting animals violation--Penalty.
6.08.270	Exception.

6.08.010 Restraint required.

- A. All animals shall be restrained.
- B. The Animal Care Services Manager and the staff shall have the authority to order animals be confined by the owner and/or agent for serious or repeated violations of subsection A of this section.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-17)

6.08.015 Zones of enforcement on city-owned property.

A. On all property owned by the city, the governing board or commission may establish by resolution of said body, zones in which an animal must be on leash, or prohibited entirely, during certain times as posted by signs in the zone.

B. Any resolution so passed, must be forwarded to the Animal Care Services Commission for review and action thereon. The Animal Care Services Commission shall direct Animal Care Services to take the appropriate action to enforce the zone requirements as soon as reasonably possible after receiving a resolution of a zone.

C. Any signage will be the responsibility of the governing board or commission in charge of the area designated in the zone. Any enforcement in the zone will be the responsibility of the Animal Care Services or its designees with the oversight of the Animal Care Services Commission.

(Ord. 08-17 § 1 (part), 2008; Ord. 95-11 § 1, 1995)

6.08.020 Unaltered animals not properly confined or restrained.

A. Every female animal in heat or rutting shall be restrained within a building or secure enclosure so that the animal cannot come into contact with a male animal of the same species except for planned breeding.

B. Any unaltered male or female dog or cat found to be at large is subject to additional fines and fees as described in Section 6.08.040.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-18)

6.08.030 Dangerous animals.

A. Every dangerous animal, as determined by the Animal Care Services Commission, shall be restrained by the owner within a building or secure enclosure, as recommended by the Animal Care Services Manager, and shall be physically confined and securely muzzled or caged whenever off the premises of the owner.

B. Every dangerous animal shall be spayed or neutered and micro-chipped at the owner's expense within thirty days from being declared dangerous.

C. Every owner of a dangerous animal must report the following within twenty-four hours; the dangerous animal dies; a change in owner's place of primary residence; a change in location where the dangerous animal is kept, boarded or otherwise held; that ownership has been transferred including name, address and telephone number of the new owner and location of the dangerous animal.

D. A list of any animals declared dangerous by the Animal Care Services Commission will be maintained by Animal Care Services and may be made available to the public, both upon request and on Animal Care Service's official website. That list may include, but not be limited to, the description of the animal and the known location of where the animal is kept.

E. In determining the dangerousness of an animal, the Animal Care Services Commission may require the owner to submit their animal for evaluation by Animal Care Services. Failure by the owner to submit their animal for such an evaluation will result in the animal being conclusively determined to be dangerous by the Animal Care Services Commission.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-19)

6.08.040 Confinement and restraint violations—Penalties.

Any person who violates Sections 6.08.010 through 6.08.030 shall be subject to a fine or action, as follows:

A. For any violation of Sections 6.08.010 a fine of twenty dollars for the first offense, with the fines increasing in increments of twenty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

B. For any violation of Section 6.08.020 (A), a fine of fifty dollars for the first offense, with fines increasing in increments of fifty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

C. For violations of Section 6.08.020 (B), a fine of one hundred dollars or voluntary spay or neuter of the animal within twenty-one days of the first violation, a fine of five hundred dollars or voluntary spay or neuter of the animal within twenty-one days of the second violation, with fines increasing in increments of five hundred dollars or voluntary spay or neuter of the animal within twenty-one days of the subsequent violations. If Animal Care Services confirms that the animal has been spayed or neutered within twenty-one days of the most recent violation, the owner will be reimbursed the fine for that violation. This section does not apply to dogs used in law enforcement, animals less than six months old, and animals a licensed veterinarian certifies are physically unable to undergo a spay or neuter operation.

D. For any violation of Section 6.08.030, a fine of five hundred dollars and confiscation of the dangerous animal from the owner by Animal Care Services or authorized agent. If a dangerous animal has been confiscated for violation(s) of Section 6.08.030, then the animal may be euthanized after seven-days-notice to an owner.

E. Any person or persons owning a dangerous animal and subject to the orders of Animal Care Services may appeal any such findings or orders by giving written notice of appeal to Animal Care Services within seven days of any such finding or order or within seven days in the event of notice that an animal will be euthanized. Animal Care Services shall forward the notice of appeal to the secretary of

the Animal Care Services Commission. Animal Care Services shall cease any action that is irreversible with regard to any animal pending appeal.

(Ord. 08-17 § 1 (part), 2008; Ord. 89-62 § 2, 1989: prior code § 4-20)

6.08.050 Period of impoundment.

Any animal that is found by Animal Care Services to be at large, stray, nuisance, inhumanely or cruelly treated, neglected or has bitten another animal or human being or is being kept in conditions which violate this chapter may be impounded at the Animal Care Services Center and there confined in a humane manner until released to the owner or agent, or the animal becomes property of Animal Care Services.

A. Any animal impounded for being at large, stray or nuisance must be held for a period of not less than seven days or until an owner is notified whichever is the lesser. At the end of that period if the animal is not returned to the owner, that animal becomes the property of Animal Care Services, which may dispose of that animal in any manner that it deems humane and compatible to its policies.

B. Any animal impounded for biting another animal or human being must be held in compliance with Sections 6.08.240 and 6.12.060.

C. Any animal deemed to be suffering with little or no chance for survival or by court order may be humanely euthanized before the holding period has expired.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-21)

6.08.060 Jurisdiction of Animal Care Services for impoundment.

The jurisdiction of Animal Care Services for purposes of enforcing this chapter shall include the limits of the city.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-22)

6.08.070 Notice of impoundment and reclaiming fees.

If any animal is impounded at the Animal Care Services Center it is the duty of Animal Care Services to notify the owner of that animal by written notice left at the owner's last known place of residence, or by notification in person, or by ordinary United States mail, or by advertising that in a newspaper of general circulation within Bartholomew County, within seventy-two hours from time of impoundment.

A. An owner/agent reclaiming an impounded animal shall pay a boarding fee of ten dollars per day for each day, or partial day, the animal was impounded in addition to any fines due for any

violations of this chapter or any expenses related to the care of the animal prior to the release of the animal to the owner/agent.

Payment of any fines, fees and judgments must be paid to Animal Care Services or appropriate authority prior to the release of the animal to the owner/agent. Failure of the owner/agent to pay the fine, fees or judgment within seventy-two hours of notification of impoundment, may result in the forfeiture of that animal to Animal Care Services.

B. Any owner turning their animal over to Animal Care Services for a bite case quarantine period shall pay the ten dollar per day boarding fee in addition to any expenses for vaccination and certification fees required prior to release.

(Ord. 08-17 § 1 (part), 2008; Ord. 98-34 § 2, 1998; prior code § 4-23)

6.08.080 Notice of ordinance violation.

In lieu of impounding an animal which is at large, stray, a nuisance, or is being kept in conditions which violate this chapter, Animal Care Services may issue to the known owner or agent of such animal a notice of ordinance violation as described in other sections of this title.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-24)

6.08.090 Public nuisance prohibited—Violations and penalties.

A. No owner shall fail to exercise due care and control of their animal(s) to prevent them from becoming a public nuisance.

B. Persons whose animals violate any of the provisions of this section, as they relate to barking or howling in an excessive, untimely or continuous fashion, or damaging public or private property, is subject to a fine of twenty dollars for the first offense, with the fines increasing by an increment of twenty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

C. Persons whose animals violate the provision of this section as it relates to chasing, impeding or threatening passersby, passing vehicles, or other domestic animals, is subject to a fine of fifty dollars for the first offense, with the fines increasing by an increment of fifty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

D. Persons whose animals violate provisions of this section, as they relate to attacking humans or other animals shall be subject to a fine of one hundred dollars for the first offense, with the fines increasing by an increment of one hundred dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

E. After any person shall have been found to be maintaining or continuing any such public nuisance by a court of competent jurisdiction, such authority may order the removal or abatement of the nuisance and may direct Animal Care Services or other city departments to carry into effect the judgment of the court.

(Ord. 08-17 § 1 (part), 2008; Ord. 89-62 § 1 (part), 1989: prior code § 4-25)

6.08.100 General animal care.

Every owner of an animal within the city shall see that their animal:

A. Is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement;

B. If chained or tied outside, shall have available at all times for that animal, a chain, leash or lead, not less than ten feet or two and one-half lengths of the animal, whichever is the greater. However, this chain, leash or lead cannot allow the animal to enter onto or into another person's property or onto or into the public right-of-way;

C. Has sufficient and wholesome food and water, proper for that species of animal;

D. Has a proper and adequate structure provided that will protect that animal from all elements of the weather and will allow that animal to stand, sit and lie down without restriction;

E. If ill, diseased or injured, receive care as necessary to prevent the transmittal of the disease to other animals or prolong the suffering of the injured animal;

F. Is not beaten, cruelly treated, overloaded, overworked or otherwise abused, or cause, instigate or permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans;

G. Is not physically altered in any manner by anyone other than a veterinarian with the exception of tattooing and grooming;

H. Is not chained or tethered on a regular or continuous manner, as determined by the Animal Control Commission.

I. Is not restrained by the neck with the use of a rope, wire, chain or other metal collar.

J. This section shall also apply to animals kept at the Animal Care Services Center or by anyone acting on behalf of Animal Care Services.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-26)

6.08.110 Cruel treatment unlawful.

No person shall beat, cruelly treat, overload, overwork or otherwise abuse any animal, or cause, instigate or permit any dog fight, cock fight, bull fight or other combat between animals, or between animals and humans. No person shall physically alter any animal, other than a licensed veterinarian with the exception of tattooing or grooming.

(Ord. 08-17 § 1 (part), 2008; Ord. 98-34 § 3, 1998: prior code § 4-27)

6.08.120 Animals as prizes.

A. It is unlawful for any person to give any live animal, fish, reptile or bird as a prize for, or as an inducement to enter any contract, game or other competition.

B. It is unlawful for any person to sell or offer for sale, raffle, offer or give as a prize, premium or advertising device, to display in any store, shop, carnival or other place any chick, ducklings or goslings younger than four weeks of age, in quantities of less than twelve to each individual person.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-28)

6.08.130 Poisoning.

It is unlawful for any person to throw or deposit any known poisonous substance in any of the streets, alleys, parks, commons, yards or other places, whether public or private, within the city, so that the same shall be likely to be consumed by any animal; provided that, it is not unlawful for a person to expose on his or her own property common rat or mouse poison, unmixed or mixed with vegetable substances.

(Ord. 08-17 § 1 (part), 2008; Ord. 98-34 § 4, 1998: prior code § 4-29)

6.08.140 Motor vehicle accidents involving animals.

Any person who as the operator of a motor vehicle, strikes any animal, shall at once report the accident to the appropriate law enforcement agency or to Animal Care Services.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-30)

6.08.150 Animals in motor vehicles or kept in confined spaces.

It shall be unlawful for any person to place or confine or allow any animal to be confined in such a manner that it must remain in a motor vehicle or confined space under such conditions for such periods of time as may cause suffering or endanger the health or well-being of the animal due to extreme temperatures or lack of food and water.

(Ord. 08-17 § 1 (part), 2008; prior code § 4-31)

6.08.160 Use of device to induce performance.

No animal shall be induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner likely to cause physical injury or suffering.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-32)

6.08.170 Abandonment.

It is unlawful for any person to abandon any animal.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-33)

6.08.180 Animal fighting contests.

It is unlawful for any person to:

- A. Knowingly or intentionally purchase or possess an animal for the purpose of using the animal in an animal fighting contest,
- B. Knowingly or intentionally possess animal fighting paraphernalia with the intent to commit a violation, or
- C. Promote or stage an animal fighting contest or attend an animal fighting contest.

(Ord. 08-17 § 1 (part), 2008)

6.08.185 Animal care violations--Penalties.

A. Persons who violate any of the provisions of Sections 6.08.100 through 6.08.170 shall be subject to a fine of one hundred dollars for the first offense, with the fines increasing by an increment of one hundred dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

B. If in the event Animal Care Services reasonably believe that any animal is being beaten, cruelly treated, overloaded, overworked or otherwise being abused, then Animal Care Services shall have the authority:

1. To take possession of such animal and impound same for safekeeping. To take possession of any related animal fighting paraphernalia and kept as evidence until disposition of those items has been determined by the Animal Care Services Commission or court having jurisdiction.
2. If any animal is impounded at the Animal Care Services Center pursuant to this section, it shall be the duty of Animal Care Services to notify the owner of the animal pursuant to Section 6.08.070 of this title.

3. If, after notification as set forth herein, the owner/agent believes the animal has been impounded without cause, the owner/agent shall request, within ten days of being notified of the impoundment pursuant to division B. of this section, a hearing before the Animal Care Services Commission. During such hearing, the owner/agent shall present its case and the Animal Care Services Commission will then render its decision within seven days of the hearing date. If, in the event the Animal Care Services Commission renders a decision that the animal has been impounded with justification, the Animal Care Services Commission may take all reasonable and necessary procedures to dispose of the animal in any manner that it deems humane and compatible to its policies.

C. Persons who violate any of the provisions of Section 6.08.180 shall be subject to a fine of five hundred dollars for the first offense, with the fines increasing by an increment of five hundred dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

(Ord. 08-17 § 1 (part), 2008; Ord. 98-34 §5, 1998: prior code § 4-34)

6.08.190 Keeping wild animals (Class 1).

Any person who keeps, owns, harbors, boards, sells or lets for hire any wild animal (Class 1), as defined in Section 6.04.010, must obtain the appropriate permit(s) from the state of Indiana and report to the Animal Care Services the acquisition of such a wild animal (Class 1) and the acquisition or application for a permit required by the state of Indiana.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-35)

6.08.200 Wild animal care.

Both wild animals (Class 1) and wild animals (Class 2) must be kept in conditions that do not violate any United States, Indiana, or city of Columbus law or ordinance provisions.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-36)

6.08.210 Wild animals—Inspection.

Any person who keeps, harbors, owns, sells, boards or lets for hire any wild animal (Class 1) and/or wild animal (Class 2) is subject to inspections by the state of Indiana or Animal Care Services at any time.

(Ord. 08-17 § 1 (part), 2008; Prior code §4-37)

6.08.220 Wild animals prohibited when.

A. All wild animals (Class 2), as defined in Section 6.04.010, are forbidden to be kept, owned, harbored, boarded, sold or let for hire within the city, except as provided by division B. of this section.

B. The city board of public works and safety may grant a temporary variance to subsection A to those, owners, commercial animal establishments or sponsors who make formal written requests for an exhibition of wild animals (Class 2) to be held within the city limits.

A written formal request must be presented to Animal Care Services, not less than fourteen days prior to the starting date of the exhibition. The request must include but is not limited to: the legal name, address, telephone number; the type and number of wild animals (Class 2) in the exhibit; the time, date(s) and location of the exhibit. Upon receipt of the request for the variance, Animal Care Services will make initial investigation as to the information contained on the request and verify any permit(s) or license(s) required. The Animal Care Services Manager will then present the variance request with any recommendation to the City Board of Public Works and Safety ("the Board") for the city at its next regularly scheduled meeting for its decision and action upon the request. The applicant is entitled to be notified of said meeting and to be present to present evidence on its behalf. Upon the decision of the Board, the Animal Care Services Manager will notify the applicant and/or sponsor of the Board's decision. The Board and/or the city attorney's office reserve the right to attach any additional requirements to the exhibit deemed reasonable and to void any variance found in violation of this chapter or harmful to the public.

C. The Board may issue a general variance for up to one year for this section to those individuals or firms that have shown they have: received prior approval by the Board for a similar variance and that an approved program was conducted without incident; the type of animal requests do not vary significantly from the original request; and complied with and adhered to any and all applicable laws and regulations and requests of Animal Care Services.

D. The city and its agents may not be held liable for any damages caused by such exhibit permitted hereunder.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-38)

6.08.230 Wild animal violations—Penalties.

A. Any person who violates any or all of Sections 6.08.190, 6.08.200 and/or 6.08.210, or otherwise violates any provisions of this chapter, is subject to a fine of fifty dollars (\$50.00) for the first offense, with fines increasing in increments of fifty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars, and is subject to having said wild animal(s) confiscated by the state of Indiana and/or Animal Care Services.

B. Any person who is found in violation of Section 6.08.220, may be subject to a fine of one hundred dollars for the first offense with fines increasing in increments of one hundred dollars for each

subsequent offense within one year of the first offense, but not more than one thousand dollars. This fine may be assessed against the sponsor of such an exhibit, should the owner or commercial animal establishment not reside within the state of Indiana.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-39)

6.08.240 Animals biting persons.

A. Every person who knows, learns or suspects that a warm-blooded animal has bitten, scratched or caused an abrasion of the skin of any human being, within the city, shall immediately report that fact to the Bartholomew County Health Department and/or Animal Care Services. All reports must be submitted on a form approved by the Bartholomew County Health Department entitled, "Animal Bite Report." Upon receipt of the animal bite report, Animal Care Services shall contact the owner of the animal, if known, and advise them of the quarantine requirements. Animal Care Services shall contact the victim and notify them of their responsibilities. Animal Care Services has the right to check and make inquiry at any time during the quarantine period to verify that the animal is being quarantined in a manner that does not violate the quarantine requirements: Animal Control shall have the power to apprehend and impound an animal found in violation of quarantine requirements.

B. Any warm-blooded animal which has bitten, scratched, caused an abrasion of the skin or which is known or suspected of being rabid, shall be confined for a period of not less than ten days from the date of the incident. This animal shall be quarantined in a building, secure enclosure with no means of escape or in any other manner approved by Animal Care Services that will keep the animal from coming in contact with any other animal. If an animal is a house pet and the owner must allow the animal outside in a manner that would violate this section, then the owner must have the animal on a leash or lead, be present at all times the animal is outside, and keep the animal on the owner's property. If the owner is unable or refuses to quarantine the animal as described, then the animal must be quarantined at the Animal Care Services Center, a boarding kennel, or licensed veterinarian's office. Animal Control Services shall have the power to apprehend and impound an animal found in violation of the quarantine requirements. The owner of the animal is responsible for any costs incurred during confinement. If there is no known owner of the animal, then the animal shall be quarantined at the Animal Care Services Center.

C. At the expiration of the quarantine requirement and prior to the release from quarantine, the animal must be examined by a licensed veterinarian who shall certify the animal as not rabid. This certification must be presented to the Bartholomew County Health Department within three days of the examination. The owner is responsible for the certification. If the owner is unknown, Animal Care Services shall be responsible for certification.

D. It is unlawful for the owner of any warm-blooded animal, when notified that such animal has bitten, scratched or caused an abrasion of the skin of a human being, or is known or suspected of being rabid, to sell, give away, allow to escape, or be taken from the limits of the city during the quarantine period.

E. If the animal is a wild, exotic or a domestic animal that is injured or diseased, and the owner is unknown, then Animal Care Services or the Bartholomew County Health Department may require the animal be euthanized and the head removed by a licensed veterinarian, and transported to the State Board of Health prior to the expiration of the quarantine requirement.

F. If it should be determined that an animal is rabid, then it shall be euthanized by a licensed veterinarian, the head of the animal removed by a licensed veterinarian, and transported to the State Board of Health. The cost of euthanasia, removal of the head, and transportation shall be the responsibility of the owner. If the owner is unknown, then the cost shall be the responsibility of Animal Care Services.

G. If any animal shall die during the quarantine period, the head of the animal shall be removed by a licensed veterinarian and transported to the State Board of Health. The cost of removal and transportation shall be the responsibility of the owner. If the owner is unknown, then the cost shall be the responsibility of Animal Care Services.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-41)

6.08.245 Biting animals violation--Reporting and quarantining—Penalty.

For the first violation of Section 6.08.240, a fine of fifty dollars with the fine increasing in increments of fifty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

(Ord. 08-17 § 1 (part), 2008; Ord. 98-34 § 6, 1998: prior code § 4-42 (b))

6.08.250 Biting animals violation--Penalty.

Any person who owns an animal who has bitten a human being or other domestic animal is subject to a fine of one hundred dollars for the first offense increasing in increments of four hundred dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

(Ord. 08-17 § 1 (part), 2008)

6.08.270 Exception.

Canine law enforcement officers are exempt from this section while in the performance of their official duties, as described by local, state and federal law.

(Ord. 08-17 § 1 (part), 2008)

Section VI. Title 6 - Animals, Chapter 6, Article 10 of the Columbus City Code, is unchanged and continues to read as follows:

Chapter 6.10
DEAD ANIMAL DISPOSAL

- 6.10.010 Dead animal disposal.
- 6.10.020 Violations – Penalties.

6.10.010 Dead animal disposal.

A person owning, caring for, or possessing any animal that has died from any cause shall dispose of the animal body or parts of the animal body within twenty-four hours after knowledge of death. Disposal of the animal body or animal body parts, must be in compliance with requirements of the Indiana State Board of Animal Health (ISBOAH) and the Indiana Department of Environmental Management (IDEM).

(Ord. 08-17 § 1 (part), 2008)

6.10.020 Violations-Penalties.

Persons who violate this section are subject to a fine of fifty dollars for the first offense increasing in increments of fifty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

(Ord. 08-17 § 1 (part), 2008)

Section VII. Title 6 - Animals, Chapter 6, Article 12 of the Columbus City Code, is hereby amended to read as follows:

Chapter 6.12
DOGS AND CATS

- 6.12.010 Identification of animals.
- 6.12.020 Approved means of identification.
- 6.12.030 City identification tags and fees.
- 6.12.040 Use of identification for other animals.
- 6.12.050 Identification violations — Penalties.
- 6.12.060 Rabies vaccinations required and Penalties.

6.12.010 Identification of animals.

All dogs and cats of any age must have current and valid identification upon them, whenever outside the dwelling unit of the owner. Upon reasonable inquiry by Animal Care Services or Law enforcement agency, every person, owner, agent, or keeper must provide upon that request and to the

best of their knowledge the following information related to the animal(s) under their care or control; number of animals, breed, sex, age, name, medical and vaccination history, and disposition if applicable.

(Ord. 08-17 § 1 (part), 2008)

6.12.020 Approved means of identification.

The means of identification required by this section shall be in addition to any tags required to be worn by dogs or cats by state law or other provision, and shall include, but not be limited to, one or more of the following;

- A. A current and valid rabies tag as required by state law, attached to a durable-collar worn at all times by the dog or cat, which includes the year issued, the veterinarian or agency, including telephone number, of who issued the tag, and a legible and traceable identification number; or
- B. A microchip implanted in the dog or cat which bears a registered identification number, and which can be read by a standard microchip scanner; or
- C. A permanent tag or plate attached to a durable collar worn at all times by the dog or cat, and bearing the owner's current name, address and telephone number; or
- D. Other means of identification recommended by the Animal Care Services Manager and approved by the Animal Care Services Commission.

(Ord. 08-17 § 1 (part), 2008)

6.12.030 City identification tags and fees.

- A. The City of Columbus will make available an approved identification tag and registration form or micro-chipping and registration for any pet owner upon their request and the proper completion of the registration.
- B. The fee for city identification tags/micro-chipping is as follows: fifteen dollars for a spayed or neutered dog or cat and twenty-five dollars for an unaltered dog or cat.

(Ord. 08-17 § 1 (part), 2008)

6.12.040 Use of identification for other animals.

No person shall use a rabies vaccination tag or a city identification tag for any animal other than the animal for which it was issued.

(Ord. 08-17 § 1 (part), 2008)

6.12.050 Identification violations – Penalties.

Owners who violate Sections 6.12.010 through 6.12.040 are subject to a fine twenty dollars for the first offense increasing in increments of twenty dollars for each subsequent offense within one year

of the first offense, but not more than one thousand dollars. Additionally Animal Care Services may require the purchase of a City identification tag or micro-chipping prior to release of any impounded animal.

(Ord. 08-17 § 1 (part), 2008)

6.12.060 Rabies vaccinations required and Penalties.

A. It is unlawful to own or harbor any dog or cat the age of three months or older without a valid rabies vaccination.

B. Any person who violates division A. of this section shall be subject to a fine of twenty dollars for the first offense, fifty dollars for the second offense, and then increasing in increments of fifty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

(Ord. 08-17 § 1 (part), 2008)

Section VIII. Title 6 - Animals, Chapter 6, Article 16 of the Columbus City Code, is hereby amended to read as follows:

**Chapter 6.16
ADOPTED ANIMALS**

6.16.010	Adoption fee.
6.16.020	Spaying and neutering.
6.16.030	Care of adopted animals.
6.16.040	Violations--Penalties.

6.16.010 Adoption fee.

Generally, the fee for adopting a dog will be one hundred dollars, and the fee for adopting a cat will be eighty dollars; however, the fee for adopting either a dog or a cat is ultimately at the discretion of the Animal Care Services Manager.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-45)

6.16.020 Spaying and neutering.

Any dog or cat adopted from Animal Care Services must be spayed or neutered by a licensed veterinarian by the age of six months. An exception is only made if a licensed veterinarian certifies that said animal is physically unable to undergo such an operation. In which case the dog or cat is to be spayed or neutered as soon as the veterinarian determines that the animal is able.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-43)

6.16.030 Care of adopted animals.

A. Any animal adopted from the Animal Care Services shall be kept in conditions that do not violate any section of this title or violate any applicable county, state and federal laws governing treatment of animals.

B. Animal Care Services may visit and/or make inquiry concerning this pet at any reasonable time.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-44)

6.16.040 Violations—Penalties.

Any person found in violation of this chapter may have the adopted animal reclaimed and/or be issued a notice of violation.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-46)

Section IX. Title 6 - Animals, Chapter 6, Article 20 of the Columbus City Code, is hereby amended to read as follows:

Chapter 6.20 HUNTING AND TRAPPING

- 6.20.010 Hunting within city limits unlawful - Penalty.
- 6.20.020 Trapping on city property unlawful - Penalty.
- 6.20.030 Exemptions.

6.20.010 Hunting within city limits unlawful—Penalty.

No person shall engage in the hunting of any animal within the city limits. Any person found violating this section shall have his hunting weapon or weapons seized until further order of the court hearing the ordinance violation. The officers of the Animal Care Services Commission or sworn officers of the police department shall be empowered to enforce this prohibition which shall include, but not be limited to, the levy of a fine for ordinance violation in the amount of three hundred dollars per occurrence plus court costs and/or forfeiture of said hunting weapon.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-48)

6.20.020 Trapping on city property unlawful—Penalty.

No person shall engage in the trapping of any animal on real property owned by the city or real property owned by agencies and/or commissions of the city as defined by the Indiana Code. The officers of the Animal Care Services Commission or sworn officers of the police department shall be empowered to enforce this prohibition which shall include, but not be limited to, the levy of a fine for ordinance

violation in the amount of three hundred dollars per occurrence plus court costs and/or forfeiture of said trapping device.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-49)

6.20.030 Exemptions.

A. The officers and agents of the police department and the Animal Care Services Manager, his staff or designated agent are exempt from Sections 6.20.020 and 6.20.030 while in the performance of their official duties.

B. Navigable waterways remain under the Indiana Department of Natural Resources exclusive jurisdiction. The taking of wild animals by trapping on non-navigable waterways is further exclusively regulated by the Indiana Department of Natural Resources.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-50)

Section X. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section XI. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the _____ day of June, 2012, by a vote of _____ ayes and _____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m.

Luann Welmer

Clerk-Treasurer

Approved and signed by me this _____ day of _____, 2012 at _____ o'clock _____.m.

Kristen Brown

Mayor of the City of Columbus, Indiana

ORDINANCE NO. _____, 2012

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,
TO AMEND CHAPTER 2 OF THE COLUMBUS CITY CODE
BY ADDING CHAPTER 2, ARTICLE 94, CITY GARAGE DEPARTMENT**

WHEREAS, Indiana Code 36-1-3 *et. seq.* confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, Indiana Code 36-4-9-4 authorizes the Common Council of the City of Columbus, Indiana to pass an ordinance establishing a City Garage Department if necessary to efficiently perform the administrative functions of the City's needs; and

WHEREAS, it is the desire of the Common Council to establish a City Garage Department in the City of Columbus.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 2, Article 94, Sections .010 and .020, of the Columbus City Code, is hereby enacted to read as follows:

**Chapter 2.94
CITY GARAGE DEPARTMENT**

- | | |
|----------|--------------------------------|
| 2.94.010 | Established. |
| 2.94.020 | City Garage Operations Manager |

2.94.010 Established.

There is established pursuant to Indiana Code 36-4-9-4, a city garage department responsible for city services related to and including, but not limited to: streets, traffic, motor vehicle highway, recycling, shop and garage, and trash/sanitation. The department shall be controlled and operated by the board of public works and safety pursuant Columbus Municipal Code 2.50.010. City Garage Department may also be referred to in the City of Columbus Municipal Code as Department of Sanitation and/or Streets and/or Traffic and/or Motor Vehicle Highway. All of these terms are used interchangeably.

2.94.020 City Garage Operations Manager

The department shall have an operations manager responsible for the day to day supervision and operation of the city services set forth in 2.92.010 and shall be the department head. The city garage operations manager shall report to the Mayor.

Section II. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the ____ day of June, 2012, by a vote of ____ ayes and ____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this ____ day of ____, 2012 at ____ o'clock ____m.

Luann Welmer
Clerk-Treasurer

Approved and signed by me this ____ day of ____, 2012 at ____ o'clock ____m.

Kristen Brown
Mayor of the City of Columbus, Indiana

ORDINANCE NO. _____, 2012

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,
TO AMEND CHAPTER 2 OF THE COLUMBUS CITY CODE
BY ADDING CHAPTER 2, ARTICLE 96, ENGINEERING DEPARTMENT**

WHEREAS, Indiana Code 36-1-3 *et. seq.* confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, Indiana Code 36-4-9-4 and 36-9-7-2 authorizes the Common Council of the City of Columbus, Indiana to pass an ordinance establishing an Engineering Department necessary to efficiently perform the administrative functions of the City's needs; and

WHEREAS, it is the desire of the Common Council to establish an Engineering Department in the City of Columbus.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 2, Article 96, Sections .010 and .020, of the Columbus City Code, is hereby enacted to read as follows:

**Chapter 2.96
ENGINEERING DEPARTMENT**

2.96.010 Established.
2.96.020 City Engineer

2.96.010 Established.

There is established pursuant to Indiana Code 36-4-9-4 and 36-9-7-2, an engineering department responsible for advise, powers and duties as set forth in IC 36-9-7 *et. seq.*, which include, but are not limited to: street design and construction, contracted street maintenance and improvements, storm drainage, storm water quality as mandated by EPA Clean Water Act ad IDEM, and traffic engineering (including the installation and operation of traffic signals, signs and pavement markings). The City Engineer is also responsible for budgeting, right-of-way acquisitions, and permitting of such projects. The department shall be controlled and operated by the board of public works and safety pursuant Columbus Municipal Code 2.50.010.

2.96.020 City Engineer

The department shall have a director responsible for the day to day supervision and operation of the department. The director shall be the City Engineer appointed by and reporting to the Mayor pursuant to the requirements of IC 36-9-7 *et seq.* City Engineer is also referred to in the City of Columbus Municipal Code and the Indiana Code, as City Civil Engineer and City Traffic Engineer. All of these terms are used interchangeably.

Section II. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the _____ day of June, 2012, by a vote of _____ ayes and _____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m.

Luann Welmer
Clerk-Treasurer

Approved and signed by me this _____ day of _____, 2012 at _____ o'clock _____.m.

Kristen Brown
Mayor of the City of Columbus, Indiana



MEMORANDUM

TO: Columbus City Council Members
FROM: Jeff Bergman
DATE: June 11, 2012
RE: Safe Routes to School Plan

Attached is a resolution for adoption by the City Council which provides an endorsement of the BCSC Safe Routes to School Plan. Please recall that this Plan was the subject of discussion at the June 5, 2012 City Council meeting. Each of you should have received a copy of the Plan as a result of that meeting. You may also access the document on the Planning Department's webpages at <http://www.columbus.in.gov/planning/projects/#school>.

The Planning Department will again represent this project at the June 19, 2012 City Council meeting. Representatives from BCSC will also be present.

Please feel free to contact me with any questions you may have.

RESOLUTION NO.: _____, 2012

**A RESOLUTION ENDORSING
THE BARTHOLOMEW CONSOLIDATED SCHOOL CORPORATION
SAFE ROUTES TO SCHOOL PLAN**

WHEREAS, the safety of children walking and bicycling to school is of importance to the Bartholomew Consolidated School Corporation (BCSC), the City of Columbus, and the community as a whole; and

WHEREAS, providing safe routes to school benefits future generations through added public safety, increased physical activity, and the establishment of an important component of a healthy lifestyle; and

WHEREAS, providing safe routes to school benefits the entire community through improved sidewalks and crosswalks for all to use, decreased vehicle traffic on area roads, improved air quality outside local schools, and decreased school transportation costs; and

WHEREAS, a Safe Routes to School Plan for nine total BCSC schools (eight within the City of Columbus) has been developed through the Bartholomew County Safe Routes to School Committee – a partnership between BCSC, the City Planning, Engineering, Parks, and Police Departments, the Columbus Area Metropolitan Planning Organization, and Healthy Communities; and

WHEREAS, the long-term implementation and success of this Safe Routes to School Plan involves programmatic and physical changes both for school properties and for public infrastructure in the surrounding neighborhoods; and

WHEREAS, the Bartholomew Consolidated School Corporation - City of Columbus partnership responsible for the creation of the Safe Routes to School Plan should be maintained to support the Plan's implementation.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Columbus, Indiana, as follows:

Section 1. Safe Routes to School Plan Endorsed

The Safe Routes to School Plan attached to and therefore made a part of this resolution is endorsed by the City of Columbus as a recognition of the importance of this issue in the community and in support of the ongoing partnership between the City and BCSC on this matter.

Section 2. City Department Consideration Recommended

All departments of the City of Columbus are encouraged to pay reasonable regard to this Safe Routes to School Plan when considering policies, operational choices, programs, projects, and any other activities that have the potential to affect safe routes to school.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m., by a vote of _____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk-Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of _____, 2012 at _____ o'clock _____.m.

Kristen S. Brown
Mayor of the City of Columbus, Indiana

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF COLUMBUS, INDIANA, ECONOMIC DEVELOPMENT REFUNDING REVENUE BONDS, SERIES 2012 (FOUNDATION FOR YOUTH OF BARTHOLOMEW COUNTY, INC. PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,100,000 FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 1997 (GIRLS CLUB/BOYS CLUB FOUNDATION FOR YOUTH OF COLUMBUS, INC. PROJECT), AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO.

WHEREAS, the City of Columbus, Indiana (the "City"), a municipality and political subdivision duly organized and validly existing under the laws of the State of Indiana, is authorized and empowered pursuant to Indiana Code, Title 36, Article 7, Chapters 11.9 and 12, as supplemented and amended (collectively, the "Act"), to issue and sell its revenue bonds to finance and refinance the costs of "economic development facilities", as defined in the Act, to promote opportunities for gainful employment and economic development, and to benefit the health, safety, morals and general welfare of the citizens of the City, and to lend the proceeds of such bonds to developers for such purposes; and

WHEREAS, the City has previously issued, pursuant to the Act, its Economic Development Revenue Bonds, Series 1997 (Girls Club/Boys Club Foundation for Youth of Columbus, Inc. Project), dated October 15, 1997, in the aggregate principal amount of \$3,900,000 of which \$1,940,000 is now outstanding (the "1997 Bonds"); and

WHEREAS, the proceeds of the 1997 Bonds were loaned to the Foundation for Youth of Bartholomew County, Inc., successor to the Girls Club/Boys Club Foundation For Youth of Columbus, Inc. (the "Foundation"), to construct improvements to the Foundation's facilities located at 400 North Cherry Street in the City (the "Project"); and

WHEREAS, the Project is leased by the Foundation to the City through its Park Department which provides lease rental payments to the Foundation in an amount sufficient to provide for the payment of debt service on the 1997 Bonds; and

WHEREAS, the Common Council of the City (the "Council") has been advised by its financial advisors that the 1997 Bonds can be refunded at a lower interest rate which will result in a substantial savings in debt service and be of benefit to the City and the Foundation; and

WHEREAS, the Council finds that the City should proceed with the issuance of its Economic Development Refunding Revenue Bonds, Series 2012 (Foundation for Youth of Bartholomew County, Inc. Project) (the "2012 Bonds") to effect the refunding of the 1997 Bonds, so long as such refunding results in a debt service savings after taking into effect all costs

of issuance of the 2012 Bonds, and that the Council should authorize and approve the various forms of financing documents necessary to be executed by the City in connection with the issuance of such 2012 Bonds;

NOW, THEREFORE, BE IT ORDAINED, BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section 1. Issuance of 2012 Bonds. The issuance of the 2012 Bonds by the City for the purpose of refunding the outstanding 1997 Bonds in order to create substantial savings for the City and the Foundation is hereby authorized and approved. The 2012 Bonds may be issued in one or more series in an aggregate principal amount not to exceed Two Million One Hundred Thousand Dollars (\$2,100,000), pursuant to, and in accordance with the First Supplemental Indenture (as hereinafter defined) and are hereby authorized to be sold at a price not less than ninety-eight percent (98%) of the par amount thereof, at an average annual interest rate not to exceed three percent (3.00%). The proceeds of the 2012 Bonds shall be delivered to the Trustee (as hereinafter defined) and applied by the Trustee in accordance with the First Supplemental Indenture.

Section 2. Forms of First Supplemental Indenture and 2012 Bonds. Subject to and in accordance with the provisions of Section 8 of this Ordinance, the First Supplemental Indenture, to be dated as of the first day of the month in which the 2012 Bonds are delivered (the "First Supplemental Indenture"), between the City and First Financial Bank, National Association, as successor to Irwin Union Bank and Trust Company, as trustee (the "Trustee"), which supplements and amends the Trust Indenture, between the City and the Trustee, dated as of October 1, 1997 (together with the First Supplemental Indenture, the "Indenture"), is hereby approved substantially in the form submitted at this meeting, a copy of which First Supplemental Indenture is attached hereto and incorporated herein and in the minute books of the Council. The form of the 2012 Bonds included within the First Supplement Indenture is hereby approved substantially in the form set forth in the First Supplemental Indenture.

Section 3. Form of First Amendment to Lease. Subject to and in accordance with the provisions of Section 8 of this Ordinance, the First Amendment to Lease, to be dated as of the date of delivery of the 2012 Bonds (the "Lease Amendment"), between the Foundation, as lessor, and the City, as lessee, is hereby approved substantially in the form submitted at this meeting, a copy of which Lease Amendment is attached hereto and incorporated herein and in the minute books of the Council.

Section 4. Form of First Supplemental Loan Agreement. Subject to and in accordance with the provisions of Section 8 of this Ordinance, the First Supplemental Loan Agreement, to be dated as of the first day of the month in which the 2012 Bonds are delivered, between the Foundation and the City (the "First Supplemental Loan Agreement"), which supplements and amends the Loan Agreement, between the Foundation and the City, dated as of October 1, 1997, is hereby approved substantially in the form submitted at this meeting, a copy of which First Supplemental Loan Agreement is attached hereto and incorporated herein and in the minute books of the Council.

Section 5. Form of Bond Purchase Agreement. Subject to and in accordance with the provisions of Section 8 of this Ordinance, the Bond Purchase Agreement with respect to the 2012 Bonds (the "Purchase Agreement"), among the City, the Foundation and a purchaser of the 2012 Bonds to be selected by the City, is hereby approved substantially in the form submitted at this meeting, a copy of which Purchase Agreement is attached hereto and incorporated herein and in the minute books of the Council.

Section 6. Form of Escrow Agreement. Subject to and in accordance with the provisions of Section 8 of this Ordinance, the Escrow Agreement with respect to the refunding of the 1997 Bonds (the "Escrow Agreement"), between the City, the Trustee and the Escrow Agent (as defined therein), is hereby approved substantially in the form submitted at this meeting, a copy of which Escrow Agreement is attached hereto and incorporated herein and in the minute books of the Council.

Section 7. Approval of Refunding. The current refunding and defeasance of the outstanding 1997 Bonds, and the release of the 1997 Bonds from the lien of the Indenture, are hereby approved, confirmed and ratified.

Section 8. Approval of and Changes to Financing Documents. The forms of the First Supplemental Indenture, the Lease Amendment, the First Supplemental Loan Agreement, the Escrow Agreement, the Purchase Agreement and the 2012 Bonds attached hereto or described herein and approved and adopted hereby are substantially final forms, and the Council hereby authorizes the Mayor and the Clerk-Treasurer (each an "Authorized Officer"), to approve such changes in form or substance to such instruments and documents as may be necessary or appropriate to accomplish the purposes of this Ordinance, the issuance of the 2012 Bonds and effect the refunding of the outstanding 1997 Bonds, with any such approval to be conclusively evidenced by such authorized execution of such instruments or documents.

Section 9. Other Documents. The Authorized Officers, together and/or individually, are hereby authorized and directed to execute such documents and instruments as may be necessary for the issuance of the 2012 Bonds and the refunding and defeasance of the outstanding 1997 Bonds, including any federal tax compliance certificate necessary to assure the tax-exempt status of the 2012 Bonds for purposes of federal income tax laws.

Section 10. Execution of Financing Documents. On behalf of the City, the Authorized Officers are authorized to execute and deliver the First Supplemental Loan Agreement, the First Supplemental Indenture, the Lease Amendment, the Escrow Agreement, the Purchase Agreement and the 2012 Bonds, each in substantially the form described herein and, as applicable, presented to this meeting, with such changes in form or substance as are acceptable to the Authorized Officers executing the same as provided in Section 8 of this Ordinance.

Section 11. Other Actions. The Authorized Officers and such other staff members, service providers and firms as they may direct are hereby authorized and directed to take any and all other actions on behalf of the City as may be necessary or appropriate to implement the refunding of the outstanding 1997 Bonds and carry out the purposes of this Ordinance and the issuance and sale of the 2012 Bonds in accordance with the First Supplemental Indenture and the

First Supplemental Loan Agreement, including without limitation, securing a rating on any or all of the 2012 Bonds from one or more national credit rating agencies.

Section 12. Bank Qualified Status. The City represents that (i) the 2012 Bonds are qualified 501(c)(3) bonds (as defined in Section 145 of the Internal Revenue Code of 1986, as amended (the "Code")); (ii) it hereby designates the 2012 Bonds as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; (iii) the reasonably anticipated amount of qualified tax-exempt obligations which will be issued by the City, and all entities subordinate to the City, during 2012 does not exceed Ten Million Dollars (\$10,000,000); and (iv) the City will not designate more than Ten Million Dollars (\$10,000,000) of qualified tax-exempt obligations during 2012. Therefore, the 2012 Bonds qualify for the exception in the Code from the disallowance of 100% of the deduction by financial institutions of interest expense allocable to newly acquired tax-exempt obligations.

Section 13. Ordinance as Contract. The provisions of this Ordinance and the Indenture securing the 2012 Bonds shall, upon execution, constitute contracts binding between the City and the owners of the 2012 Bonds, and after the issuance of the 2012 Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of the 2012 Bonds or the interest thereon remain unpaid.

Section 14. Invalidity. If any section, paragraph, clause or provision of this Ordinance shall be ruled by any court of competent jurisdiction to be invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions.

Section 15. Conflicts. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

Section 16. Headings. The headings or titles of the several sections of this Ordinance shall be solely for convenience or reference and shall not affect the meaning, construction or effect of this Ordinance.

Section 17. Effective Date. This Ordinance and the findings herein shall be in full force and effect immediately upon its passage and execution by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Columbus,
Bartholomew County, Indiana, upon this _____ day of _____, 2012.

By: _____
Presiding Officer
Columbus Common Council

ATTEST:

Luann Welmer, Clerk-Treasurer
City of Columbus

PRESENTED by me to the Mayor of the City of Columbus, Bartholomew County, Indiana, upon
this _____ day of _____, 2012.

Luann Welmer, Clerk-Treasurer
City of Columbus

SIGNED and APPROVED by me upon this _____ day of _____, 2012.

Kristen Brown, Mayor
City of Columbus

ORDINANCE NO. _____, 2012

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,
TO AMEND CHAPTER 8.32 OF THE COLUMBUS CITY CODE, WEEDS

WHEREAS, Indiana Code 36-1-3 *et. seq.* confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, the City of Columbus previously enacted a weed ordinance under Chapter 8.32 of the Columbus Municipal Code, pursuant to the authority and requirements under Indiana Code 36-7-10.1-3, authorizing the City to cut and remove weeds, rank vegetation and unkempt lawn grass after providing notice; and

WHEREAS, a recent amendment to Indiana Code 36-7-10.1-3, which takes effect July 1, 2012, includes a procedure for issuing a continuous abatement notice to the real property owner for subsequent violations during the same year an initial notice is provided; and

WHEREAS, it is the desire of the Common Council to bring the City of Columbus Municipal Code pertaining to Weeds, and the procedure for obtaining a continuous abatement notice against a real property owner, up to date and in compliance with the newly enacted Indiana Code provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 8, Article 32, Sections 8.32.010 through 8.32.040, of the Columbus City Code, is hereby amended to read as follows:

Chapter 8.32
REMOVAL OF WEEDS AND RANK VEGETATION

- | | |
|----------|--|
| 8.32.005 | Definitions. |
| 8.32.010 | Public Nuisance Declared. |
| 8.32.020 | Owners of Real Property to Cut and Remove. |
| 8.32.030 | Notice of Violation; Continuous Abatement Notice; Appeal of Notice. |
| 8.32.040 | Procedure for Abatement after Notice – Recovery of Cost from Owner - Appeal. |

8.32.005 Definitions.

“Department” refers to the City Garage Department, which shall have the responsibility of administering this chapter at the direction of the Board of Public Works and Safety.

"Owner" refers to the property owner, or at least one of the owners of real property with multiple owners, as found in the current records of the Bartholomew County Recorder's office or on the Bartholomew County's eGIS (Geographical Information System) website.

"Owner's address" refers to the most recent mailing address of the real property listed on the tax bill under "Owner's Address." This current information is available through the Bartholomew County Auditor's Office as well as listed on the Bartholomew County's eGIS website.

"Rank vegetation" refers to any plant growth which, when left uncut, produces an excessive growth. Such plant growth includes unkempt lawn grass exceeding 12 inches.

"Weeds" refers to any growth of undesirable or troublesome vegetation, including but not limited to those noxious weeds listed under Indiana Code 15-16-7-2. Weeds do not refer to trees, bushes, shrubs, ornamental plants, or agricultural plants cultivated in an orderly manner for the purpose of producing food or other agricultural products.

Pursuant to IC 36-7-10.1-3, "weeds" and "rank vegetation" do not include agricultural crops, such as hay and pasture.

8.32.010 Public Nuisance Declared.

Weeds and/or rank vegetation growing on real property within the city are declared a public nuisance when allowed to grow to heights in excess of twelve inches.

8.32.020 Owners of Real Property to Cut and Remove.

An owner of real property within the city is required to maintain all vegetation on such real property to the above specifications by cutting and removing all weeds and/or rank vegetation from the property.

8.32.030 Notice of Violation; Continuous Abatement Notice; Appeal of Notice

(A) Notice to Owner. For any property found to be in violation of this chapter, the Department may issue a written notice to remove weeds and/or rank vegetation to an owner notifying an owner of the violation and giving an owner five (5) calendar days to abate the violation. If the violation is corrected within five (5) days, no further action will be taken and no penalty imposed. Notice will be served in a manner required in subsection (C).

(B) Continuous Abatement Notice. A continuous abatement notice shall also be sent along with the notice to an owner set forth in subsection (A). The continuous abatement notice serves as notice to the owner that each subsequent violation during the same year for which the initial notice of violation is provided, may be abated by the city or its contractors, without further notice sent in a manner required in subsection (C). Before abating the violation under the continuous abatement notice, the Department shall obtain approval from the Board of Public Works and Safety to cut and remove any weeds and/or rank vegetation.

(C) Manner of Service. The notice to remove weeds and rank vegetation which shall include the continuous abatement notice, shall be in writing and shall be served upon an owner in one of the following manners:

- (1) Certified mail, return receipt requested, sent to the owner's address, or
- (2) Registered mail sent to the owner's address; or
- (3) If Personal service upon the owner by a law enforcement officer of the city can be obtained with proof of service, the manner of service under Subsection (1) or (2) is satisfied.

In addition to the manner of service set forth in subsection (C)(1) or (C)(2), the Department shall also serve the same notice at the same time, following one of the methods required under Indiana Code 1-1-7-1(b).

(D) Appeal of Notice. If an owner desires to appeal the notice requiring the owner to abate weeds and/or rank vegetation on the owner's property, an owner must notify both the City Garage Department and the City of Columbus Board of Public Works and Safety of the desire to appeal, by written letter, no later than close of business on the fifth day after receiving service of notice pursuant to subsection (C). Upon receipt of the written letter, the Board of Public Works and Safety will hear an owner's appeal at the next scheduled Board of Public Works and Safety meeting. If an owner does not appear at the scheduled weekly meeting, the appeal will be denied.

8.32.040 Procedure for Abatement after Notice – Recovery of Cost from Owner - Appeal.

(A) Procedure. If an owner shall fail to correct the violation within five (5) days after receiving the first notice under 8.32.030, and no appeal letter from an owner is received, the Board of Public Works and Safety may proceed to direct the Department to correct the violation by causing any weeds and/or rank vegetation to be cut and removed from the real property of an owner. Thereafter, pursuant to the continuous abatement notice sent along with original notice, any subsequent violation during the same year the continuous abatement was served, shall be corrected by the Department upon direction by the Board of Public Works and Safety.

(B) Recovery of cost of abatement. The clerk-treasurer shall make a certified statement of the cost incurred by the city to abate the violation, which shall include any administration, notice and removal costs. The statement shall be delivered to an owner of the real property in a manner consistent with service of notice under 8.32.030(C). Payment for the costs shall be made to the clerk-treasurer within ten (10) days of delivery of the statement.

If an owner fails to pay costs or file a written notice of appeal within ten (10) days after service of notice, a certified copy of the statement of costs shall be filed in the office of the Bartholomew County Auditor and recorded in the Bartholomew County Recorder's office. The county auditor shall place the amount claimed on the tax duplicate against an owner or occupant of the property. The cost shall be a lien thereon and the amount shall be collected at the same time and in the same manner as taxes due are collected and said cost amount shall be disbursed to the clerk-treasurer who shall deposit the funds in the account from which the funds were expended.

(C) Appeal of costs. If an owner desires to appeal the statement of costs, an owner must notify both the City Garage Department and the City of Columbus Board of Public Works and Safety of the desire to appeal, by written letter, no later than close of business on the tenth day after service of notice of the statement of costs pursuant to subsection 8.32.030(C). Upon receipt of the written letter, the Board of Public Works and Safety will hear an owner's appeal at the next scheduled Board of Public Works and Safety meeting. If an owner does not appear at the scheduled meeting, the appeal will be denied.

Section II. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the _____ day of July, 2012, by a vote of _____ ayes and _____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m.

Luann Welmer
Clerk-Treasurer

Approved and signed by me this _____ day of _____, 2012 at _____ o'clock _____.m.

Kristen Brown
Mayor of the City of Columbus, Indiana

RESOLUTION NO. _____, 2012

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,
TO ADOPT A "NEPOTISM" POLICY AND A "CONTRACTING WITH A UNIT" POLICY
CONSISTENT WITH INDIANA CODE 36-1-20.2 AND 36-1-2,
PENDING FULL IMPLEMENTATION OF THE POLICIES TO INCLUDE REVISIONS TO THE
CITY EMPLOYEE HANDBOOK THROUGH AN ORDINANCE**

WHEREAS, pursuant to Indiana House Enrolled Act No. 1005 (the "Act"), effective July 1, 2012, all units of local government must implement and adopt a nepotism policy consistent with the provisions of two new chapters established under Indiana Code: § 36-1-20.2, *et seq* (Nepotism) and § 36-1-21, *et seq* (Contracting With a Unit), copies of which are attached hereto and incorporated herein as **Attachment A** and **B**, respectively, and hereinafter referred to as the "New Indiana Code Chapters"; and

WHEREAS, in the New Indiana Code Chapters "relative" is defined as a spouse, parent, stepparent, child (natural or adopted), stepchild, brother, half- brother, sister, half-sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in-law; and

WHEREAS, the Indiana Department of Local Government Finance will not approve a local government unit's annual budget or any additional appropriations for the ensuing calendar year if it receives information that a policy under the New Indiana Code Chapters is not implemented by the local government unit and the mayor must also submit a statement verifying such policy implementation; and

WHEREAS, after thoughtful consideration and in order to comply with the New Indiana Code Chapters, the City of Columbus believes it is in the best interests of its citizens to adopt as its policies the minimum requirements of the New Indiana Code Chapters as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

1. The City of Columbus finds that it is necessary and desirous to adopt a policy of conduct with regard to nepotism in the employment with the City of Columbus and in contracting with the City of Columbus in order to continue to be able to provide local government services to its residents and to comply with the Act and New Indiana Code Chapters.
2. On July 1, 2012 the City of Columbus shall have a Nepotism and a Contracting with a Unit policy that complies with the minimum requirements of IC 36-1-20.2 (hereinafter "Nepotism Policy") and IC 36-1-21 (hereinafter "Contracting with a Unit by a Relative Policy") and implementation will begin.
3. The City of Columbus Nepotism Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of IC 36-1-20.2, and including all future

supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition a copy of IC 36-1-20.2 Nepotism in effect on July 1 is attached hereto and incorporated herein as **ATTACHMENT A.**

4. The City of Columbus Contracting with a Unit by a Relative Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of IC 36-1-21, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition a copy of the IC 36-1-21 Contracting With a Unit in effect on July 1 is attached hereto and incorporated herein as **ATTACHMENT B.**
5. The City of Columbus finds that a single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, and therefore, without such authority by the majority, he/she will not be in the direct line of supervision as set forth in IC 36-4-6-11 and IC 36-5-2-9.4.
6. The City of Columbus finds that a single member of governing bodies with authority over employees in the City of Columbus cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, when a statute provides that a majority is needed to act, and therefore, without such authority by the majority, the single member will not be in the direct line of supervision.
7. All elected and appointed officials and employees of the City of Columbus are hereby directed to cooperate fully in the implementation of the policies created by this Resolution and demonstrating compliance with these same policies.
8. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Nepotism Policy is a violation and may result in the discipline, including termination, of an employee or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the City of Columbus who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of the Nepotism Policy may be subject to action allowed by law.
9. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Contracting with Unit by a Relative Policy is a violation and may result in the discipline, including termination, of an employee or a curative action. An elected or appointed official of the City of Columbus who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of the Contracting with a Unit by a Relative Policy may be subject to action allowed by law.
10. The policies created by this Resolution are hereby directed to be implemented by any of the following actions: a) posting a copy of this Resolution in its entirety in at least one of

the locations in the City of Columbus where it posts employer posters or other notices to its employees; b) providing a copy of this Resolution to its employees and elected and appointed officials; or c) any such other action or actions that would communicate the policies established by this Resolution to its employees and elected and appointed officials. Upon any of taking these actions these policies are deemed implemented by the City of Columbus.

11. Two (2) copies of IC 36-1-20.2 and IC 36-1-21, and as supplemented or amended, are on file in the office of the Clerk or Clerk-Treasurer for the City of Columbus for public inspection as may be required by IC 36-1-5-4.
12. The full process of implementation of the Nepotism and Contracting with a Unit by a Relative Policies will include amendments to the City of Columbus Employee Personnel Booklet at which time the Common Council shall consider an Ordinance adopting the same.

ADOPTED BY THE COMMON COUNCIL OF COLUMBUS, INDIANA, on this the _____ day of June, 2012, by a vote of _____ ayes and _____ nays.

Presiding Officer of the Common Council,
Kristen Brown

ATTEST:

Luann Welmer, Clerk of the Common Council

Presented by me to the Mayor of Columbus, Indiana, this _____ day of June, 2012 at _____ o'clock _____ .M.

Luann Welmer, Clerk-Treasurer

Approved and signed by me this _____ day of June, 2012, at _____ o'clock _____ .M.

Kristen Brown
Mayor of the City of Columbus, Indiana

ATTACHMENT A
Indiana Code - Chapter 20.2. Nepotism

Sec. 1. This chapter applies to all units.

Sec. 2. An individual who is employed by a unit on July 1, 2012, is not subject to this chapter unless the individual has a break in employment with the unit. The following are not considered a break in employment with the unit:

- (1) The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
- (2) The individual's employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time.

Sec. 3. For purposes of this chapter, the performance of the duties of:

- (1) a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3; or
- (2) a volunteer firefighter;

is not considered employment by a unit.

Sec. 4. As used in this chapter, "direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the unit.

Sec. 5. As used in this chapter, "employed" means an individual who is employed by a unit on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the unit.

Sec. 6. As used in this chapter, "member of the fire department" means the fire chief or a firefighter appointed to the department.

Sec. 7. As used in this chapter, "member of the police department" means the police chief or a police officer appointed to the department.

Sec. 8. (a) As used in this chapter, "relative" means any of the following:

- (1) A spouse.
- (2) A parent or stepparent.
- (3) A child or stepchild.
- (4) A brother, sister, stepbrother, or stepsister.
- (5) A niece or nephew.
- (6) An aunt or uncle.
- (7) A daughter-in-law or son-in-law.

(b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

(c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

Sec. 9. (a) This chapter establishes minimum requirements regarding employment of relatives. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:

- (1) include requirements that are more stringent or detailed than any provision in this chapter; and
- (2) apply to individuals who are exempted or excluded from the application of this chapter.

The unit may prohibit the employment of a relative that is not otherwise prohibited by this chapter.

(b) The annual report filed by a unit with the state board of accounts under IC 5-11-13-1 must include a statement by the executive of the unit stating whether the unit has implemented a policy under this chapter.

Sec. 10. Individuals who are relatives may not be employed by a unit in a position that results in one (1) relative being in the direct line of supervision of the other relative.

Sec. 11. (a) This section applies to an individual who:

- (1) is employed by a unit on the date the individual's relative begins serving a term of an elected office of the unit; and
- (2) is not exempt from the application of this chapter under section 2 of this chapter.

(b) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual may remain employed by a unit and maintain the individual's position or rank even if the individual's employment would violate section 10 of this chapter.

(c) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual described in subsection (b) may not:

- (1) be promoted to a position; or
- (2) be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department; if the new position would violate section 10 of this chapter.

Sec. 12. This chapter does not abrogate or affect an employment contract with a unit that:

- (1) an individual is a party to; and
- (2) is in effect on the date the individual's relative begins serving a term of an elected office of the unit.

Sec. 13. Unless the policy adopted under section 9 of this chapter provides otherwise, a sheriff's spouse may be employed as prison matron for the county under IC 36-8-10-5 and the spouse may be in the sheriff's direct line of supervision.

Sec. 14. Unless the policy adopted under section 9 of this chapter provides otherwise, an individual:

- (1) who served as coroner;

- (2) who is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana;
 - (3) who, as coroner, received certification under IC 36-2-14-22.3; and
 - (4) whose successor in the office of coroner is a relative of the individual;
- may be hired in the position of deputy coroner and be in the coroner's direct line of supervision.

Sec. 15. If the township trustee's office is located in the township trustee's personal residence, unless the policy adopted under section 9 of this chapter provides otherwise the township trustee may hire only one (1) employee who is a relative. The employee:

- (1) may be hired to work only in the township trustee's office;
- (2) may be in the township trustee's direct line of supervision; and
- (3) may not receive total salary, benefits, and compensation that exceed five thousand dollars (\$5,000) per year.

Sec. 16. Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this chapter. An officer shall submit the certification to the executive of the unit not later than December 31 of each year.

Sec. 17. If the state board of accounts finds that a unit has not implemented a policy under this chapter, the state board of accounts shall forward the information to the department of local government finance.

Sec. 18. If a unit has not implemented a policy under this chapter, the department of local government finance may not approve:

- (1) the unit's budget; or
 - (2) any additional appropriations for the unit;
- for the ensuing calendar year until the state board of accounts certifies to the department of local government finance that the unit is in compliance with this chapter.

ATTACHMENT B
Indiana Code - Chapter 21 Contracting With a Unit

Sec. 1. This chapter applies only to a unit.

Sec. 2. As used in this chapter, "elected official" means:

- (1) the executive or a member of the executive body of the unit;
- (2) a member of the legislative body of the unit; or
- (3) a member of the fiscal body of the unit.

Sec. 3. (a) As used in this chapter, "relative" means any of the following:

- (1) A spouse.
- (2) A parent or stepparent.
- (3) A child or stepchild.
- (4) A brother, sister, stepbrother, or stepsister.
- (5) A niece or nephew.
- (6) An aunt or uncle.
- (7) A daughter-in-law or son-in-law.

(b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

(c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

Sec. 4. (a) This chapter establishes minimum requirements regarding contracting with a unit. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:

- (1) include requirements that are more stringent or detailed than any provision in this chapter; and
- (2) apply to individuals who are exempted or excluded from the application of this chapter.

The unit may prohibit or restrict an individual from entering into a contract with the unit that is not otherwise prohibited or restricted by this chapter.

(b) The annual report filed by a unit with the state board of accounts under IC 5-11-13-1 must include a statement by the executive of the unit stating whether the unit has implemented a policy under this chapter.

Sec. 5. (a) A unit may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:

- (1) an individual who is a relative of an elected official; or
- (2) a business entity that is wholly or partially owned by a relative of an elected official; only if the requirements of this section are satisfied and the elected official does not violate IC 35-44-1-3.

(b) A unit may enter into a contract or renew a contract with an individual or business entity described in subsection (a) if:

- (1) the elected official files with the unit a full disclosure, which must:

- (A) be in writing;
- (B) describe the contract or purchase to be made by the unit;
- (C) describe the relationship that the elected official has to the individual or business entity that contracts or
- (D) be affirmed under penalty of perjury
- (E) be submitted to the legislative body of the unit and be accepted by the legislative body in a public meeting of the unit prior to final action on the contract or purchase; and
- (F) be filed, not later than fifteen (15) days after final action on the contract or purchase, with:

- (i) the state board of accounts; and
- (ii) the clerk of the circuit court in the county where the unit takes final action on the contract or purchase;

(2) the appropriate agency of the unit:

- (A) makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
- (B) makes a certified statement of the reasons why the vendor or contractor was selected; and

(3) the unit satisfies any other requirements under IC 5-22 or IC 36-1-12.

(c) An elected official shall also comply with the disclosure provisions of IC 35-44-1-3, if applicable.

(d) This section does not affect the initial term of a contract in existence at the time the term of office of the elected official of the unit begins.

Sec. 6. Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer is in compliance with this chapter. An officer shall submit the certification to the executive of the unit not later than December 31 of each year.

Sec. 7. If the state board of accounts finds that a unit has not implemented a policy under this chapter, the state board of accounts shall forward the information to the department of local government finance.

Sec. 8. If a unit has not implemented a policy under this chapter, the department of local government finance may not approve:

- (1) the unit's budget; or
- (2) any additional appropriations for the unit;

for the ensuing calendar year until the state board of accounts certifies to the department of local government finance that the unit has adopted a policy under this chapter.